

Citywide Hotel Text Amendment

Final Scope of Work for Preparation of a
Draft Environmental Impact Statement

LEAD AGENCY



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Planning

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Final Scope of Work

This Final Scope of Work (Final Scope) outlines the technical areas to be analyzed in the preparation of the Environmental Impact Statement (EIS) for the Citywide Hotels Special Permit proposal. The applicant, the New York City Department of City Planning (DCP), is proposing a zoning text amendment (the Proposed Action) to establish a special permit under the jurisdiction of the City Planning Commission (CPC) for new hotels, motels, tourist cabins, and boatels¹ in C1 (except for C1-1, C1-2, C1-3 or C1-4 Districts), C2², C4, C5, C6, C8, and Mixed-Use (MX) and paired M1/R districts. The new CPC special permit will also replace existing special permits for hotels in Special Purpose Districts.

The Draft Scope of Work noted that to address the potential loss of hotel inventory citywide related to the closure of hotels due to the COVID-19 pandemic, DCP planned to evaluate changes to discontinuance provisions for existing commercial hotels in all zoning districts citywide. Since the publication of the Draft Scope, DCP has introduced text provisions related to discontinuance, vesting, and exclusions to allow for economic recovery from COVID-19. These changes affect both the analysis framework and Reasonable Worst-Case Development Scenario (RWCDs). In addition, the NYC Hotel Market Analysis was completed and posted on the DCP website.³ See revisions under the Description of the Proposed Action section of the Final Scope.⁴

Introduction

As of January 2020, New York City has remained one of the world's most popular travel destinations, the third largest hotel market in the United States after Las Vegas and Orlando, and the largest hotel supply pipeline in the nation according to Lodging Magazine. In 2019, New York City drew a record 66.6 million visitors, a 2.4 percent increase over 2018 and reflective of an uninterrupted 12-year run of consecutive increases in visitor counts. 28 million of those visitors stayed in hotels in the city, accounting for over \$13 billion in direct and indirect business sales.

2019 also saw the continuation of an unprecedented boom in hotel development in New York City that began in 2007 and added over 54,100 hotel rooms since that year—a 73 percent increase in supply. While hotels directly supported 305,900 jobs in 2019 and accounted for \$940 million in property tax, \$634 million in hotel

¹ The zoning definition of "motel or tourist cabin" requires that each sleeping unit have an exterior entrance, and the definition of "boatel" requires water access for boats. Since there are very few motels, tourist cabins, or boatels in New York City, and because of these limiting factors, few if any are expected to be developed in the future. This use of the term "hotel" in the EIS will, by implication, also refer to these other transient accommodations.

² In C2-1 through C2-4 districts, transient hotels may be located only within a 1,000-foot-radius of the entrance/exit of a limited-access expressway.

³ <https://www1.nyc.gov/assets/planning/download/pdf/plans-studies/citywide-hotel/nyc-hotel-market-analysis.pdf>

⁴ This Final Scope of Work shows new text since the completion of the Draft Scope of Work. Due to changes to the proposed text amendment, deletions have been removed for readability. Figures 1, 2, and 6 have been revised since the DSOW.

occupancy tax, and \$425 million in sales tax in fiscal year 2019, the rapid pace of new hotel development has introduced new activity that may affect neighborhood conditions in unexpected ways by creating conflicts with existing businesses or altering the economic character of in commercial districts. In addition, while hotels are like residential uses in that they primarily contain sleeping accommodations, the transient nature of hotels can change the primarily residential character of some commercially zoned neighborhoods. At the same time, many C8 and mixed-use districts where new hotels have located lack amenities and services, while surrounding business activity and traffic may create hazards for guests.

The rapid growth of new hotels across the city has led to calls from communities and elected officials to better regulate the development of hotels to limit land use impacts and slow the pace of development in some locations. Over time, the City Planning Commission (CPC) has adopted a variety of special permits to address myriad planning concerns relating to residential development goals, neighborhood character, and conflicts with adjacent uses. Consequently, the City has an inconsistent and patchwork framework for new hotel development.

Although the COVID-19 pandemic caused an abrupt and precipitous drop in hotel occupancy and construction, visitation is expected to return by 2025, along with a demand for new hotels. When this occurs, a more uniform zoning framework for new hotels citywide could support more predictable development and limit the extent to which a hotel use may impair the future use or development of the surrounding area. Review of the project's relationship to area context will result in better configuration of the use on the zoning lot to minimize conflicts with adjacent uses.

Accordingly, to create a more consistent zoning framework for new hotels; to address conflicts with nearby commercial, industrial, and residential uses that new transient uses may introduce; and to avoid the potential for hotel development to impair the future use and development of areas around a new hotel, the Department of City Planning (DCP) proposes a citywide zoning text amendment to establish a new special permit under the jurisdiction of the CPC for new hotels, motels, tourist cabins, and boatels in C1, C2, C4, C5, C6, C8, and Mixed-Use (MX) and paired M1/R districts.

To address the potential loss of hotel inventory citywide related to the closure of hotels due to the pandemic, DCP proposes provisions that will allow adaption, expansion of reopening of existing hotels, and modified vesting provisions to allow hotel projects in the development process with a filed application by date of referral and DOB zoning plan approval by the date of adoption to move forward. Applications for hotels filed prior to 2018 must obtain a foundation permit by the date of adoption. In addition, active or recently approved applications with DCP or BSA facilitating new hotels will be excluded from the Proposed Action.

The Proposed Action aims to create a more consistent framework for hotel development citywide and to ensure that new hotels are established on appropriate sites, based on reasonable considerations regarding the hotel development's impact on the future use and development of the surrounding area.

Required Approvals and Review Procedures

The proposed Zoning Text Amendment encompasses a discretionary action that is subject to review under Section 200 of the City Charter, and the City Environmental Quality review (CEQR) process.

The Proposed Action is classified as Type I, as defined under 6 NYCRR 617.4 and 43 RCNY 6-15, subject to environmental review in accordance with CEQR guidelines. An Environmental Assessment Statement (EAS) was completed on December 18, 2020. A Positive Declaration, issued on December 21, 2020, established that the Proposed Action may have a significant adverse impact on the environment, thus warranting the preparation of an Environmental Impact Statement (EIS).

The scoping process is intended to focus the EIS on those issues that are most pertinent to the Proposed Action. The process allows other agencies and the public a voice in framing the scope of the EIS. The scoping document sets forth the analyses and methodologies that will be utilized to prepare the EIS. During the period for scoping, those interested in reviewing the Draft Scope of Work (Draft Scope) may do so and give their comments to the lead agency. The public, interested agencies, Community Boards, and elected officials are invited to comment on the Draft Scope, either in writing or orally, at a public scoping meeting.

In accordance with SEQRA and CEQR, the Draft Scope of Work was issued on December 21, 2020. A public scoping meeting was held on Friday, January 22, 2021 at 2:00 PM, and comments were received during the scoping meeting and written comments were received up to ten days after the meeting, or until Monday, February 1, 2021.

Comments received during the public comment period were considered and incorporated as appropriate into this Final Scope of Work (Final Scope). The Final Scope, incorporates all relevant comments made on the Draft Scope, and revises the extent or methodologies of the studies, as appropriate, in response to comments made on the Citywide Hotels Text Amendment EIS Draft Scope of Work made during scoping. **Appendix A includes responses to comments made on the Draft Scope. The written comments received are included in Appendix B.** The Draft EIS (DEIS) will be prepared in accordance with this Final Scope.

Once the lead agency is satisfied that the DEIS is complete, the document will be made available for public review and comment. A public hearing will be held on the DEIS in conjunction with the CPC hearing on the land use application to afford all interested parties the opportunity to submit oral and written comments. The record will remain open for ten days after the public hearing to allow additional written comments on the DEIS. At the close of the public review period, a Final EIS (FEIS) will be prepared that will incorporate all substantive comments made on the DEIS, along with any revisions to the technical analysis necessary to respond to those comments. The FEIS will then be used by the decision makers to evaluate CEQR findings, which address project impacts and proposed mitigation measures, in deciding whether to approve the requested discretionary actions, with or without modifications.

Current Zoning Regulations

Hotel Definition

In the NYC Zoning Resolution, transient hotels are defined as a building or part of a building in which:

- › Living or sleeping accommodations are used primarily for transient occupancy, and may be rented on a daily basis;
- › One or more common entrances serve all such living or sleeping units; and
- › 24-hour desk service is provided, in addition to one or more of the following services: housekeeping, telephone, or bellhop service or the furnishing or laundering of linens.

Permitted accessory uses include restaurants, cocktail lounges, public banquet halls, ballrooms, or meeting rooms. Transient hotels are classified as Use Group 5.

Other forms of transient accommodations defined in the NYC Zoning Resolution are motels, tourist cabins, and boatels. These uses are classified as Use Group 7. Motels or tourist cabins are defined as a building or group of buildings which:

- › Contain living or sleeping accommodations used primarily for transient occupancy; and
- › Have individual entrances from outside the building to serve each such living or sleeping unit.

Boatels are defined as a building or group of buildings which:

- › Contain living or sleeping accommodations used primarily for transient occupancy; and
- › Are immediately accessible by boat.

Since there are very few motels, tourist cabins, or boatels in NYC, and because of these limiting factors, few, if any, are expected to be developed in the future. Therefore, this document uses the term “hotel” but will by implication also refer to these other transient accommodations.

Where Hotels Are Allowed As-of-Right

Transient hotels are currently permitted as-of-right in the following zoning districts: C1 (except for C1-1, C1-2, C1-3 or C1-4 Districts), C2⁵, C4, C5, C6, and C8. Hotels are also permitted as-of-right in Mixed Use districts (MX), paired M1/R districts, and in M1 zones at the City’s airports. Motels, tourist cabins, and boatels are permitted as-of-right in C6⁶ and C8 districts, and in C2 districts within a 1,000-foot radius of the entrance/exit of a limited-access expressway.

⁵ In C2-1 through C2-4 districts, transient hotels may be located only within a 1,000-foot-radius of the entrance/exit of a limited-access expressway.

⁶ Except in C6-1A

Where Hotels Are Allowed by Special Permit

Zoning Districts

To address land use conflicts, local planning goals, and community concerns related to rapid hotel development, the CPC has adopted a variety of special permits for new hotels in different geographies over the last 15 years (see **Figure 1**).

These areas include certain special districts in mixed-use and amenity-rich areas in Manhattan, such as special districts in Clinton, Hudson Square, Tribeca, Garment Center, and East Midtown, where a site-specific review and CPC approval of new hotels is required to ensure that the hotel use, which has characteristics of both residential and commercial development, does not impair the essential character of the surrounding area or affect the future use and development of the surrounding area by creating conflicts that might limit opportunities for other types of desired uses, such as housing.

In 2018, the CPC adopted a zoning text amendment to require a special permit for new hotels in light manufacturing districts (M1).⁷ This text amendment was introduced to address conflicts between new hotels and the operations of industrial businesses.

Motels, tourist cabins, and boatels are permitted in C3 districts by special permit.

Special Permit Findings

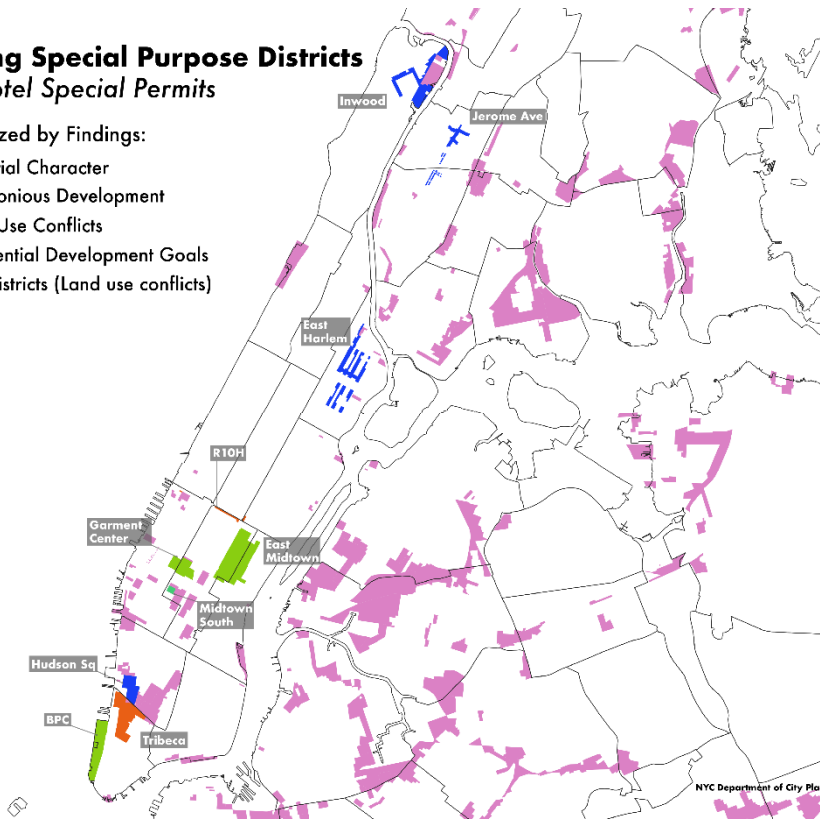
The existing special permits have a variety of findings, considerations, and applicability (see **Figure 1**). Consequently, the zoning for regulating hotel development citywide is inconsistent, resulting in a framework that establishes different standards for new hotels in different locations without a unified objective for hotel development citywide.

⁷ This zoning text amendment includes provisions to exempt hotels in M1 districts operated for a public purpose.

Figure 1 Existing Special Purpose Districts with Hotels Special Permits**Existing Special Purpose Districts
with Hotel Special Permits**

Categorized by Findings:

- Essential Character
- Harmonious Development
- Land Use Conflicts
- Residential Development Goals
- M1 Districts (Land use conflicts)



Currently, there are four distinct types of hotel special permit findings:

- › First is a special permit requirement that ensures a transient hotel is located as not to impair the essential character of, or the future use or development of, the surrounding area, such as in Tribeca.
- › The second type of hotel special permit requires that a hotel development not only achieve a diverse and harmonious mix of uses in the surrounding area, but also demonstrates that the design is appropriate and incorporates elements that are necessary to address any potential conflicts between the proposed use and adjacent uses.
- › The third type of special permit addresses the need for sufficient development sites to be available in the area to meet residential development goals of the surrounding area.
- › Lastly, East Midtown, Hudson Square, and M1 districts citywide, require a CPC special permit to minimize land use conflicts with adjacent uses and the potential to impair the growth and development of other uses.

In the past decade approximately 4,210 rooms were built through DCP facilitated special actions that met the various findings above.

Description of the Proposed Action

DCP is proposing a zoning text amendment to require a CPC special permit for new and enlarged transient hotels (Use Group 5) and motels, tourist cabins, and boatels (Use Group 7). A special permit is a discretionary action by the CPC, subject to ULURP review, which permits certain uses of modified use, bulk, or parking regulations if certain conditions and findings specific in the Zoning Resolution are met. The process of establishing findings and the approval of these findings is detailed below under **Public Review Process for the Proposed Action.**

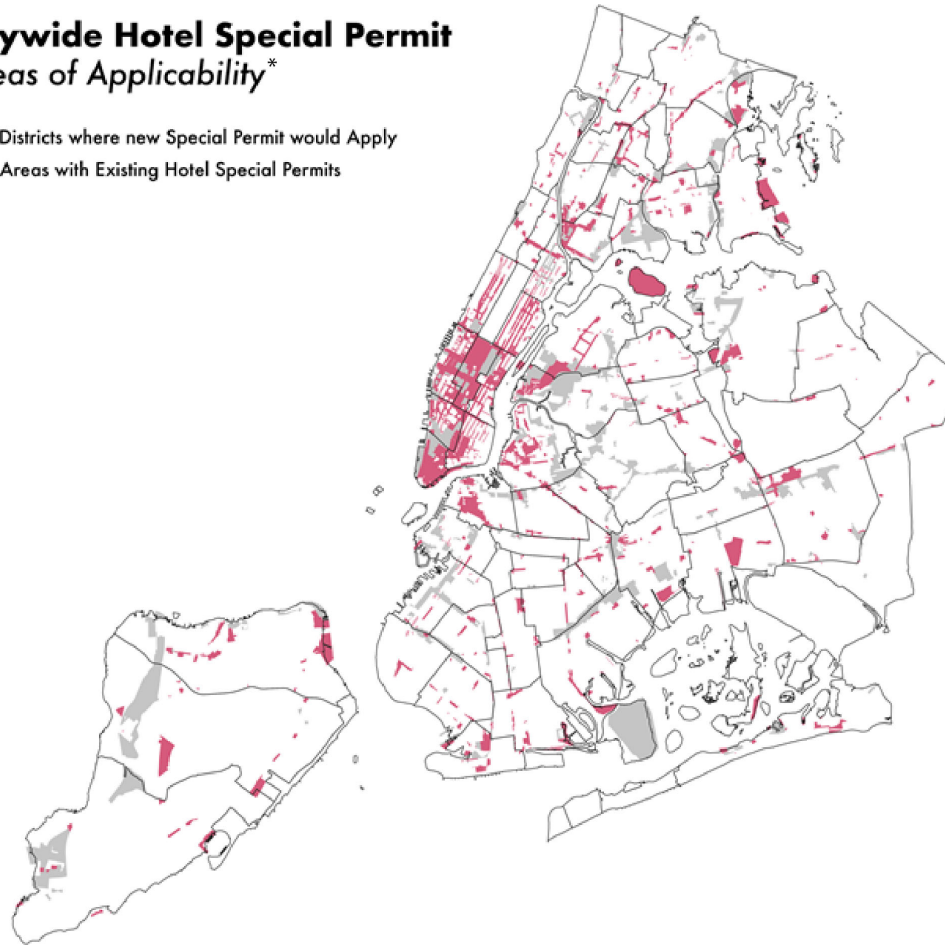
The new CPC special permit will replace existing special permits for hotels in Special Purpose Districts. These include the Inwood, Jerome Avenue, East Harlem, Midtown, Garment Center, Hudson Square, 125th Street, Clinton, and Tribeca Special Purpose Districts. It would also require a CPC special permit citywide for new hotels and enlargements in C1 (except for C1-1, C1-2, C1-3 or C1-4 Districts), C2⁸, C4, C5, C6, C8, Mixed Use (MX), and paired M1/R districts. This is the “Area of Applicability” for the Proposed Action (see **Figure 2**). The proposed text amendment would retain existing findings and regulations for hotels in M1 districts where a special permit was adopted in December 2018. The Proposed Action would also retain provisions adopted in the 2018 text amendment to exempt hotels in M1 districts operated for a public purpose.

The proposed zoning text amendment would affect every community district within the City, since all community districts contain zoning districts that currently permit as-of-right hotel development, either in the form of commercial (C) districts or mixed-use (MX) districts. In addition, since changes to discontinuance provisions described below may apply to existing commercial hotels that are closed on the date of enactment and could apply in all districts citywide, the action has the potential to affect all community districts.

⁸ In C2-1 through C2-4 districts, transient hotels may be located only within a 1,000-foot-radius of the entrance/exit of a limited-access expressway.

Figure 2 Areas of Applicability**Citywide Hotel Special Permit
Areas of Applicability***

- Districts where new Special Permit would Apply
- Areas with Existing Hotel Special Permits



Source: NYC [GIS](#) Zoning Features, NYC DCP

Because of the anticipated closure of many of the city's existing hotels due to the COVID-19 pandemic, DCP proposes several zoning mechanisms to limit the effect of reductions in supply when visitation and hotel demand recovers. These "Recovery Provisions" include the following actions:

- › Existing hotels would be considered conforming uses to allow limited enlargements, alterations, and extensions, and to allow the reconstruction of hotels in the event of damage or destruction.
- › Current zoning that discontinues nonconforming uses that are vacant for two or more years would be suspended for existing hotels in all zoning districts until six years from the date of adoption, thereby allowing hotels existing on the date of enactment to reopen as a hotel without a special permit.
- › Existing hotels located in any zoning district that are converted to other uses would also be permitted to convert back to a hotel until six years from the date of adoption without obtaining a special permit.
- › Hotel projects in the development process with a filed DOB application by the date of referral and DOB zoning plan approval by the date of adoption will be

vested under current zoning until six years from the date of adoption. However, applications for hotels filed at DOB prior to 2018 must also obtain a foundation permit by the date of adoption.

- › Projects and land use actions supporting hotel development approved by DCP or BSA after January 1, 2018, or that have filed with BSA or been approved by the CPC before the date of adoption, would be excluded from the Proposed Action until six years from the date of adoption.

Use Group 5 transient uses that are operated for a public purpose, such emergency shelters and certain types of for-profit supportive housing that do not operate as commercial hotels, will also be excluded from the proposal. It is a legal obligation of the City to provide shelter to all eligible persons within the five boroughs, and the City must maintain the existing flexibility in zoning that permits temporary housing for the homeless in all districts to ensure it has sufficient capacity to meet census demand for temporary accommodations. This is in line with the Administration's recently released plan, called "Turning the Tide," to address homelessness in the City. The plan involves a borough-based approach to shelter siting, as the City seeks to end shelter programs in cluster apartments and commercial hotels (NYC Office of the Mayor, 2017b). Any hotel operated for a public purpose that exists within applicable districts on the date of adoption of the Proposed Action would be permitted to cease its public function and return to operating as a commercial hotel without seeking the proposed special permit.

Purpose and Need

Prior to 2007, New York City's supply of hotel rooms had not kept up with demand, resulting in some of the highest occupancy and nightly rates in the country. Between 1997 and 2007, the supply of hotel rooms in Manhattan grew by only 17.7 percent.⁹ When the Brooklyn Bridge Marriott opened in 1998, it was the first new hotel built in Brooklyn in more than 60 years.¹⁰ Although commercial hotels were permitted without restriction in most commercial and light manufacturing districts across the City, there was little new hotel construction outside the Central Business District. In the years between 2003 and 2006, Manhattan lost hotel supply, with the net inventory of hotel rooms in the borough declining by 3 percent, from approximately 66,630 hotel rooms to 64,590.¹¹

However, this began to change in 2007, driven by a rise in tourism and new sources of financing for hotels. New York City has added over 54,000 hotel rooms since that year, a 73 percent increase in supply. This growth was remarkable for its endurance—as evidenced by the five years between 2015 and 2019, which saw over 21,000 hotel rooms come online in the City, a 40 percent increase over the number of rooms that came online during the previous five-year period (see **Figure 3** and **Figure 4**). Another feature of this period of hotel growth has been its occurrence

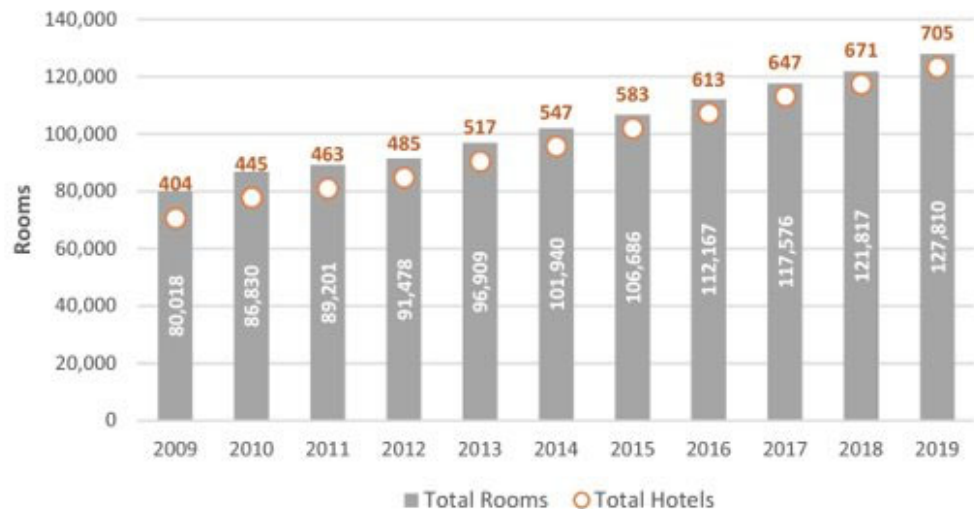
⁹ HVS International, 2010 Manhattan Hotel Market Overview

¹⁰ Muss Development's Brooklyn Bridge Marriott to begin \$43 million renovation and reposition; NY Real Estate Journal, May 11, 2015

¹¹ HVS International, 2010 Manhattan Hotel Market Overview

across all five boroughs and not just Manhattan. Since 2010, Queens and Brooklyn have both seen hotel room count increases of over 50 percent, with similar growth rates in the smaller markets of the Bronx and Staten Island. Also noteworthy has been the expansion of hotel development into areas of the city that had never supported substantial hotel development before, including light manufacturing districts in every borough. 2019 saw almost 6,000 new hotel rooms added to the city's supply, with almost 20 percent of the city's hotel room inventory outside Manhattan. By 2019, New York City experienced record growth in the tourism industry and its hotel pipeline for the tenth consecutive year¹². However, in M1 zoning districts, the City's special permit requirement for new hotels, instituted at the end of 2018, resulted in no new hotel projects in these areas.

Figure 3 NYC Hotel and Room Supply 2009-2019



Source: STR, 2020

In 2019, there were over 127,800 hotel rooms in New York City—an all-time high. The city also attracted a record 67 million visitors that year, giving the New York City hotel market the highest occupancy rates of any major hotel market in the United States. However, New York City was also the only top 25 urban market in the nation that experienced negative growth in Revenue Per Available Room (RevPAR).¹³ RevPAR is measured by multiplying average daily rates by hotel occupancy rate. Multiple sources, including STR and the Hotel Association of New York, have recognized increased supply and competition from a broader choice of lodging types as a reason for depressed ADR in the New York market. Increased supply and the availability of short-term rentals also limits hotels' traditional abilities to charge higher rates during so-called "compression" periods, when room demand is higher.

Hotel industry analysts have also identified many of the same trends that are affecting the hotel industry nationwide, most notably high labor costs and third-

¹² NYC&Co., 2019

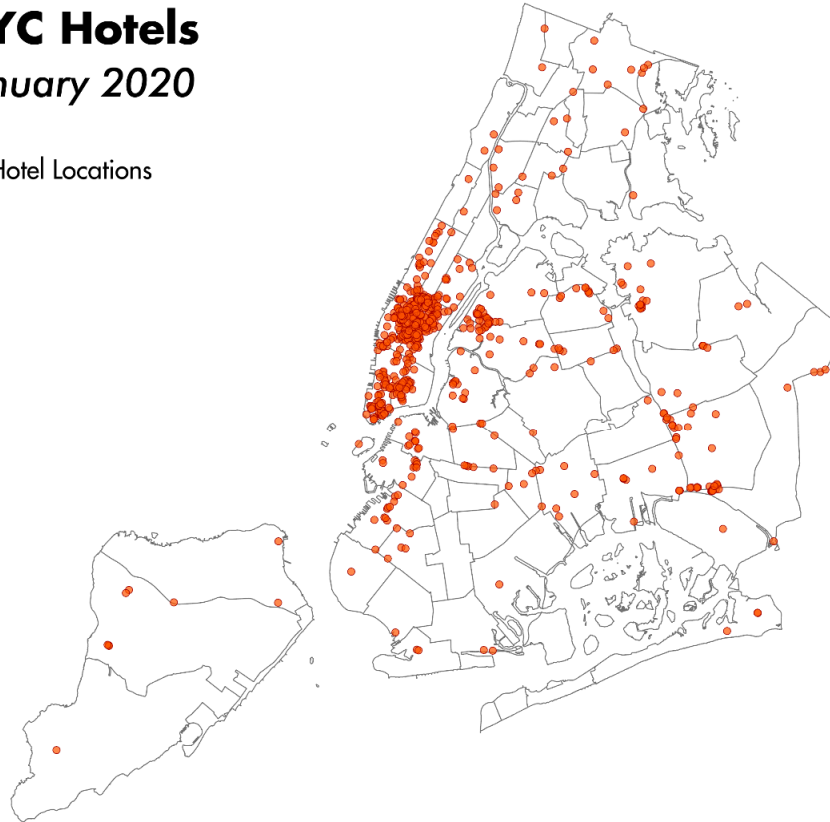
¹³ RevPAR is a metric calculated by dividing a hotel's total guestroom revenue by the room count and number of days in the period being measured

party commission fees, to be the cause of decline of profitability of hotels in New York City.¹⁴

Figure 4 NYC Hotels in January 2020

NYC Hotels January 2020

● Hotel Locations



NYC Department of City Planning

Source: STR, 2020

Hotels are an important part of the city's business districts and economy, lodging an estimated 28 million visitors and accounting for \$13 billion in direct and indirect business sales per year. In fiscal year 2019, hotels directly supported 305,900 jobs and accounted for \$940 million in Property tax, \$634 million in Hotel Occupancy tax, and \$425 million in sales tax.

Until the COVID-19 pandemic brought most new construction to a halt in March 2020, new hotels were outpacing other types of non-residential development in some parts of the city—in some instances introducing conflicts with adjacent uses and influencing development patterns in unanticipated ways. In addition, the rapid growth of hotels in commercial and mixed-use districts, where hotels are currently allowed as-of-right, presents land use challenges in the city's mixed-use business districts.

In these locations, hotels can create conflicts with adjacent uses and residences, and in less centrally located commercial areas, hotels may create nuisances to surrounding residents or local services. Additionally, less centrally located commercial

¹⁴ Skift; Tourism is up so why is NYC's hotel market slumping?, Aug. 27, 2019

areas often lack infrastructure to address the safety of or meet the needs of hotel guests. Although hotels are appropriate and desirable uses in the city's commercial, mixed-use, and light manufacturing districts, reviewing the project's relationship to area context will result in better configuration of the use to minimize conflicts with adjacent uses and protect the safety of hotel guests.

In addition, while hotels are like residential uses in that they primarily contain sleeping accommodations, the transient nature of hotels can change the residential character of some neighborhoods. At the same time, many C8 and mixed-use districts where new hotels have located lack amenities and services, and surrounding business activity and traffic may pose unsafe conditions for guests. The rapid growth of hotels across the city, especially in locations that had not historically experienced much hotel development, has raised concerns in communities and led to calls for better review of development to address conflicts and potential nuisances.

To address land use conflicts, local planning goals, and community concerns related to rapid hotel development, over the last 15 years, the CPC has adopted a variety of different special permits for new hotels in different geographies (see **Where Hotels are Allowed by Special Permit** and **Figure 2**). This approach has resulted in an inconsistent zoning framework for regulating hotel development citywide. Although the COVID-19 pandemic caused an abrupt and precipitous drop in hotel occupancy and construction, visitation is expected to return along with a demand for new hotels. When demand returns, a more uniform zoning framework for all new hotels citywide can support more predictable development and limit the extent to which a hotel use may impair the future use or development of the surrounding area. Review of the projects within the context of an area around a new hotel will result in better configuration of the hotel to minimize conflicts with adjacent uses and protect the safety of residents and hotel guests.

The proposed text amendment will create a consistent zoning framework for new hotels and allow the CPC to evaluate hotel use to ensure it does not impair the future use or development of the surrounding area.

Analytical Framework for the EIS

As discussed above, the Proposed Action is a citywide text amendment that would establish a new CPC special permit for new hotels in the Area of Applicability (as defined above). Since the Proposed Action is a citywide action and has broad applicability, it is difficult to predict the universe of sites where development would be affected by the Proposed Action. For this reason, the Proposed Action is analyzed in this environmental review as a "generic action." Generic actions are programs and plans that have wide application or affect a range of future alternative policies. Generic analyses must employ a methodology that identifies typical cases and a range of conditions, which this section seeks to do. In addition, as the citywide zoning text amendment would establish a new special permit under the jurisdiction of the CPC for new hotels, there is no new development increment associated with the Proposed Action and, therefore, no projected or potential development sites. The environmental review therefore consists of an assessment of the potential effects of

making hotel use subject to special permit requirements. In addition, as discussed below under **Conceptual Analysis**, as part of the EIS, a conceptual analysis will consider whether there could be environmental impacts from a future application for hotel use that seeks the special permit.

The analytical framework is addressed through a Reasonable Worst-Case Development Scenario (RWCDs). A RWCDs is broadly defined as the potential development under both the future No-Action and With-Action conditions that is used to as the basis for analysis of the change in permitted development created by a discretionary action. The RWCDs begins with a description of “existing conditions” to establish a baseline, not against which the Proposed Action’s effects are measured but from which future conditions can be projected. The prediction of future conditions begins with an assessment of existing conditions because these can be measured and observed. Then, using existing conditions as a baseline, conditions expected in the future without the Proposed Action are evaluated (the No-Action condition). The No-Action condition considers changes that are known or expected to be in place by the future analysis year (see **Analysis Year**, below), independent of the Proposed Action. The No-Action condition is the baseline against which the effects of the Proposed Action can be measured. The incremental difference between the No-Action condition and the With-Action condition serves as the basis for the environmental impact analyses.

Analysis Year

It is anticipated that the New York City hotel market will recover to 2019 levels by the year 2025.¹⁵ An analysis year 10 years in the future is generally considered reasonable for generic projects, as it captures a typical cycle of market conditions and generally represents the outer timeframe within which predictions of future development may usually be made without speculation. Therefore, an analysis year 10 years after the projected recovery year—or 2035—was chosen in order to account for the unique market effects of the COVID-19 pandemic.

Study Area or Directly Affected Area

As discussed under **Description of the Proposed Action** above, the Proposed Action would apply to the Area of Applicability (see **Figure 2**). Any hotel existing within the Area of Applicability on the date of adoption of the Proposed Action would be considered a conforming use, allowing as-of-right enlargements and extensions of hotels existing on the date of adoption.¹⁶ A conforming use is a use

¹⁵ *Travel Industry Turned Upside Down*, Joint report by McKinsey and Skift, Sept. 2020; *State of the Hotel Industry Six Months After COVID*, American Hotel & Lodging Association, Aug. 2020; McGeehan, Patrick, “Why NYC’s Recovery May Lag the Rest of the Nation,” Oct. 26, 2020, *New York Times*; Clark, Patrick, “With Prices Down by \$200, NYC Hotels Brace for More Pain,” Oct. 9, 2020, *Bloomberg News*; Kallergis, Katherine, “Hotel Owners in Big Cities Hit Major Tipping Point,” Oct. 19, 2020, *The Real Deal*; *The World Remade: Travel & Hospitality Scenarios*, Deloitte, May 2020; *For Corporate Travel, A Long Road Ahead*, McKinsey, Aug. 13, 2020

¹⁶ Enlargements and extensions as defined by the New York City Zoning Resolution

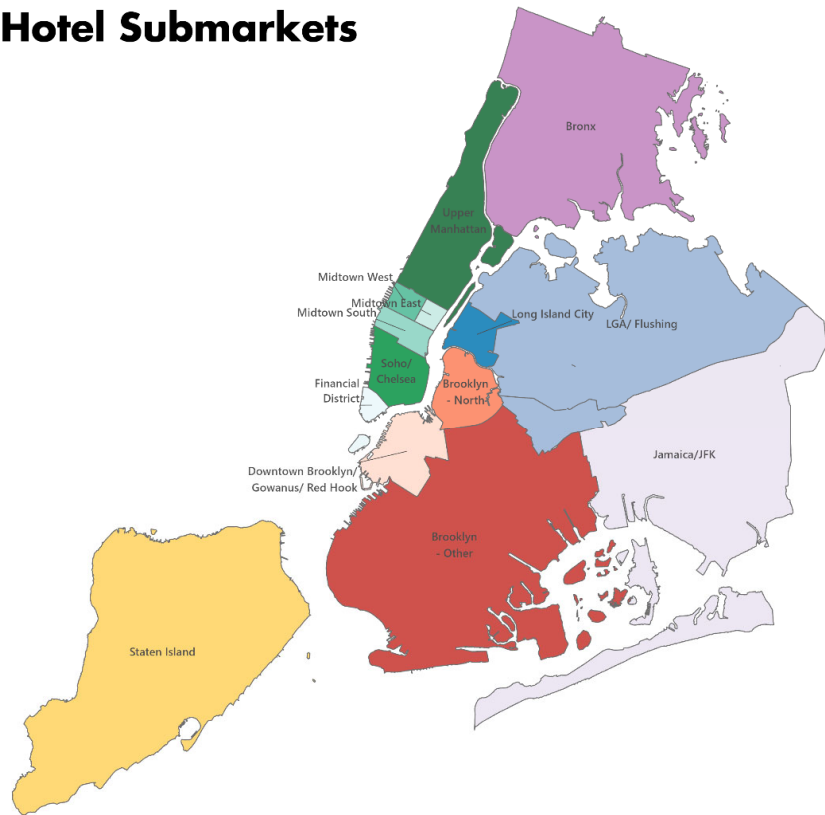
that is occupied in compliance to the use regulations of the applicable zoning district's zoning ordinances in a particular area.

Existing Conditions

As discussed above, the identification of existing conditions is critical to establish a baseline, not against which the Proposed Action's effects are measured but from which future conditions can be projected. To inform the understanding of existing conditions, DCP engaged a socioeconomics consultant team to produce a market analysis of the City's hotel conditions in the past, current, and future context, which is available on the DCP website.¹⁷

The Consultant Report evaluated hotel development and tourism in New York City as a whole and in each of the five boroughs individually. Manhattan, Brooklyn, and Queens were furthermore distinguished into geographic submarkets, generally based on major existing tourism markets, or in the cases of Brooklyn and Queens, where recent hotel development clusters have arisen (see **Figure 5**). The differentiation into the various geographic submarkets was completed to better understand existing hotel markets and to facilitate the analysis of the potential effects of the Proposed Action.

¹⁷ <https://www1.nyc.gov/assets/planning/download/pdf/plans-studies/citywide-hotel/nyc-hotel-market-analysis.pdf>

Figure 5 NYC Borough Hotel Submarkets**NYC Hotel Submarkets**

NYC Department of City Planning

Source: Preliminary Consultant Report

In Manhattan, six submarkets were defined, consisting of areas above 59th Street, Times Square, Midtown East, Midtown South, Soho/Union Square, and Financial District. Queens was divided into three submarkets consisting of Long Island City, LaGuardia/Flushing, and JFK/Jamaica. Similarly, Brooklyn consists of Downtown Brooklyn, Brooklyn North, and other areas. The entirety of the Bronx and Staten Island boroughs are defined as individual submarkets.

As detailed above, in January 2020, there were over 127,800 hotel rooms in New York City before the COVID-19 pandemic.¹⁸ In addition, as described **Table 1**, there are currently approximately 31,800 hotel rooms in active projects in the hotel pipeline, consisting of hotel projects that have filed or approved applications or are permitted for construction with the Department of Buildings (DOB) as of March 2021.

¹⁸ All numbers in the project description have been rounded for clarity and to convey that they are approximations

Table 1 Hotel Pipeline by Submarket

Submarket	Sum of Net Rooms	Borough Total
Bronx	2,430	2,430
Brooklyn – Downtown/Gowanus/Red Hook	1,230	6,150
Brooklyn – North	1,740	
Brooklyn – Other	3,180	
Manhattan – Financial District	1,790	
Manhattan – Midtown East	190	
Manhattan – Midtown South	6,050	
Manhattan – Midtown West/Times Square	3,600	13,460
Manhattan – Soho/Union Square/Village/Tribeca/Chelsea	1,570	
Manhattan – Upper East Side/Upper West Side/Harlem/Uptown	260	
Queens – Jamaica/JFK/114xx Zip Codes	3,740	9,260
Queens – LGA/Flushing/113xx Zip Codes	1,970	
Queens – Long Island City	3,550	
Staten Island	500	500
Total		31,800

Source: New York City Department of Buildings, March 2021

An analysis of the DOB pipeline showed that there are approximately 28,540 hotel rooms in zoning districts outside of M1 districts (see [Table 2](#)). Of these, approximately 21,440 rooms are active DOB projects, and 7,100 are inactive projects, meaning that there has been no action on the project for three years. In M1 districts, where a special permit will take effect in June 2021, there are approximately 12,040 hotel rooms in the DOB pipeline. Of these approximately 10,360 are active projects and 1,680 are inactive projects.

Table 2 Hotel Pipeline Details

Zoning District	Number of Hotel Rooms in Active DOB Projects
<u>Non-M1</u>	21,440
<u>M1</u>	10,360
<u>Total</u>	31,800

Source: New York City Department of Buildings, March 2021

There are also a number of projects that are not in the DOB pipeline but are working towards approval with the City, and are either in the public review process with DCP (approximately 2,590 rooms across 20 projects) and the New York City Board of Standards and Appeals (BSA) (approximately 330 hotel rooms across two projects).

Impact of the COVID-19 Pandemic

According to the Consultant Report, in 2019 New York City saw a record number of tourism and hotel inventory growth. However, in March 2020 the COVID-19 pandemic struck New York City and has had a substantial, ongoing effect on its hotel market. Between January 2020 and March 2021, a net total of 131 (out of 705) hotels and 38,100 (out of 127,810) rooms closed in New York City, representing a decline of 19 and 30 percent, respectively (see **Table 3**). With approximately 98 percent of these room closures occurring in Manhattan, citywide trends are driven almost entirely by the pandemic's specific impact on the Manhattan hotel market, which experienced a 36 percent loss in total rooms (see **Figure 6**). As of March 2021, Manhattan's share of NYC hotel rooms had fallen to approximately 74 percent, which is down from 81 percent in January 2020.

Table 3 Existing Hotel Supply Accounting for Covid-19 Impacts

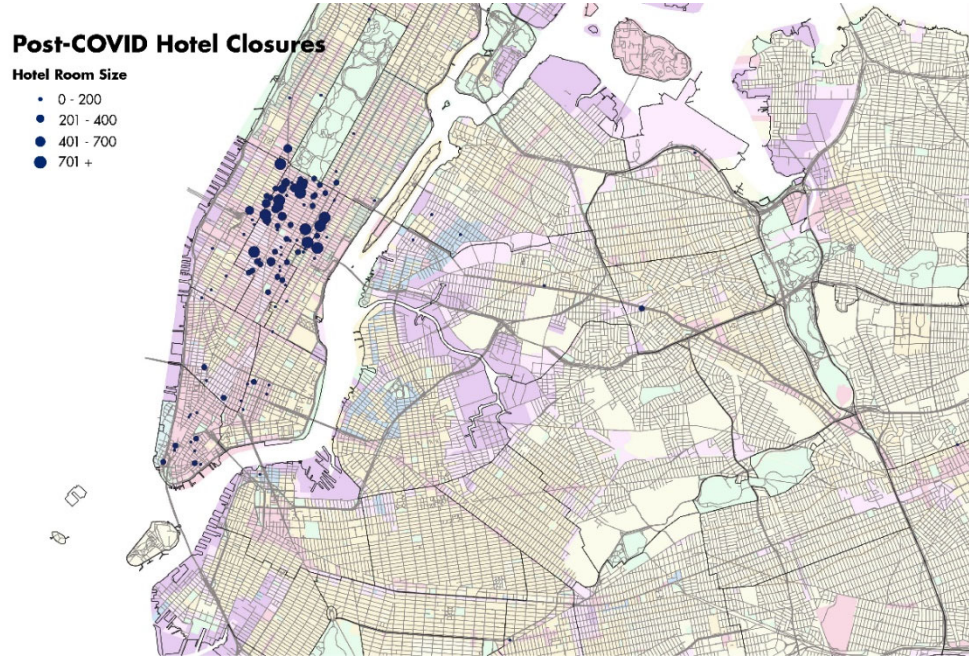
Borough	January 2020 Supply	Permanently Closed Rooms	Temporarily Closed Rooms	March 2021 Supply
Bronx	<u>1,380</u>	<u>0</u>	<u>0</u>	<u>1,380</u>
Brooklyn	<u>7,530</u>	<u>0</u>	<u>50</u>	<u>7,530</u>
Manhattan	<u>103,730</u>	<u>4,930</u>	<u>32,300</u>	<u>66,980</u>
Queens	<u>14,390</u>	<u>0</u>	<u>820</u>	<u>13,800</u>
Staten Island	<u>780</u>	<u>0</u>	<u>0</u>	<u>780</u>
Total	<u>127,810</u>	<u>4,930</u>	<u>33,170</u>	<u>90,470¹</u>

Source: STR 2020, HANYC 2021

Notes:

¹ Approximately five new hotels with 790 hotel rooms came to market between January 2020 and March 2021

Queens had the second-largest impact of any borough, with a net loss of seven hotels and 820 rooms, representing a four percent loss. The number of hotels and rooms in the Bronx, Brooklyn, and Staten Island remained relatively constant between January 2020 and March 2021. However, Brooklyn experienced a shift in hotel typologies, losing some upscale rooms and adding more economy rooms. Additional details on hotel closures are provided in the Consultant Report, which may be updated between publication of the Draft EIS and Final EIS if conditions have changed, to reflect the most current information available.

Figure 6 Hotel Closures as of March 2021

Source: HANYC; NYS Department of Labor WARN Notices; STR, October 2020

Current forecasts estimate the recovery of New York City's tourism sector to 2019 levels will not take place until the end of 2024 or the beginning of 2025. While typically projects in the pipeline with DOB permits are assumed to complete construction under the No-Action condition, several factors influence whether these projects are realized—global, national, and local economies affecting hotel development decisions, trends in international and domestic tourism, the access to equity, the ease of obtaining financing, pace of pandemic recovery, and public policies.

Future Without the Proposed Action (No-Action Condition)

This section provides an analysis of likely future conditions in New York City's hotel market without the implementation of the proposed hotel special permit.

To project hotel room demand and supply growth across the City, the preliminary Consultant Report relied on visitation and employment projection data, as well as national tourism demand trends and NYC hotel pipeline information. The analysis hypothesized that in 2025, the NYC hotel market will have fully recovered, reaching 2019 demand levels, and then grow by 3.7 percent each year to reach a demand of approximately 174,730 rooms by 2035 (see Table 4). While future citywide demand will continue to be driven by Manhattan, new hotel room supply is expected to be more evenly distributed throughout the city. Assuming future supply will deliver geographically based on the distribution of hotel rooms currently in the pipeline,

hotel room demand was reallocated among the boroughs to reflect the pipeline distribution.¹⁹

It is expected that without the Proposed Action, the market would respond to demand increases by increasing supply until the market reaches equilibrium. Therefore, the No-Action condition assumes that, with an expected recovery in 2025, by the 2035 build year the hotel supply in the City will grow to reach an equilibrium with market demand. Overall, it is estimated that by 2035, the City will be in demand of approximately 174,730 rooms across the five boroughs, regardless of existing and future supply. Demand conditions are estimated assuming demand recovery in 2025; historic 3.7 percent annual growth rate in the leisure sector; and that demand in the business sector will increase by approximately 1 percent per year for 2025 through 2035, based on historic annual average growth rates. Demand was distributed among the boroughs with a weighted adjustment to account for historic distribution and the distribution of active pipeline hotels. However, given the unique circumstances under COVID-19 with temporary and permanent hotel closures throughout the city, assumptions were made to establish an estimated hotel supply in 2025 so that a number of hotel rooms that would need to be developed in order to reach market equilibrium by 2035 could be determined. Industry based estimates show that 25 percent of the hotel supply as of January 2020 will not return to market²⁰. The January 2020 hotel room inventory, as established in the Consultant Report, was approximately 127,810 rooms. Therefore, it is estimated in 2025 that hotel room supply would be approximately 95,860 rooms, about 5,390 more rooms than were open as of March 2021. Table 4 shows the estimated supply by borough in 2025 given these assumptions.²¹ Therefore, from 2025 to 2035, 78,880 hotel rooms would be expected to come to market to meet estimated 2035 demand. Some of this demand would be satisfied by the current pipeline of 31,800 hotel rooms in active DOB projects discussed above under the **Existing Conditions** section, as well as known projects.

¹⁹ Only rooms that are likely to develop given their pipeline status was accounted for in demand adjustments

²⁰ HANYC, December 2020

²¹ 2025 hotel room supply was estimated by assuming that temporary rooms would reopen proportionally to where closures took place.

Table 4 Hotel Room Supply and Demand Conditions through 2035

Borough	Estimated Supply	Gross Future Adjusted Demand (Hotel Rooms)		
	2025	2025	2030	2035
Bronx	1,380	2,860	3,350	3,920
Brooklyn	7,540	10,490	12,240	14,330
Manhattan	72,300	95,280	111,250	130,250
Queens	13,860	18,140	21,180	24,800
Staten Island	770	1,040	1,220	1,430
Total, All NYC	95,850	127,810	149,240	174,730

Source: Preliminary Consultant Report; STR, 2020; HANYC, 2020; BJH, 2020; BAE, 2020

Notes:

Demand conditions are estimated assuming demand recovery in 2025 and a blended average of business and leisure travelers for 2025- 2035. Demand was distributed among the boroughs with a weighted adjustment to account for historic distribution and the distribution of active pipeline hotels

Future With the Proposed Action (With-Action Condition)

The Proposed Action introduces a discretionary approval process by CPC special permit for hotel development within the Area of Applicability. CPC special permits generally present a disincentive to development that previously was as-of-right, since obtaining the special permit can add significant time, cost, and uncertainty to a project. Because the Proposed Action introduces a discretionary approval process via a CPC Special Permit for hotel development citywide, DCP projects less hotel development under the With-Action condition than the No-Action condition, and accordingly, it is reasonable to assume that the proposed CPC special permit would have the effect of slowing the rate at which hotels would be developed in C and MX districts.

The proposed text amendment will have provisions to allow for the hotel industry to recover from COVID-19 pandemic impacts, including discontinuance, vesting, and exclusions. These are described in detail above under **Description of the Proposed Action**. The estimated hotel supply in 2035 is described below and shown in **Table 5**. As in the No-Action condition, it is estimated that 25 percent of the hotel supply as of January 2020 will not return to market due to economic impacts from the pandemic. This means that of the 89,570 rooms on the market in March 2021 and the 33,170 temporarily closed hotel rooms as of September 2020, approximately 95,860 total existing rooms are expected to be opened between 2021 and 2025 when the market is recovering, same as above under the No-Action condition. Some of these temporarily closed hotels looking to reopen will be able to through the discontinuance provisions in the text discussed above. It is also estimated that the text provisions would allow for an additional 25,290 hotel rooms in the pipeline to vest before the effective date, and 2,300 hotel rooms currently in applications for existing special permits with city agencies to be excluded.²² This would result in a hotel room inventory of approximately 123,450 in 2035, comprised of existing hotel rooms and hotels in the

²² Hotels that are likely to vest are active DOB projects that are moving through the pipeline at a pace that historically ensures they would complete before the actions take effect.

pipeline or in applications with the city that are able to vest or be excluded from the special permit provision.

Therefore, under the With-Action condition, for supply to meet market demand, it is estimated that approximately 51,280 future hotel rooms could be affected by the special permit, slowing or hindering their development. However, it is expected that an additional 4,210 rooms will come to market between the effective date and 2035 through seeking the proposed special permit, based on those that have sought special permits for hotels in the past decade. Therefore, it is estimated in the With-Action Condition, that there would be a supply of approximately 127,660 hotel rooms, and there would be an estimated unmet demand of approximately 47,070 hotel rooms in 2035.

The effects of the Proposed Action, and the anticipated unmet room demand, are evaluated in the EIS.

Table 5 Hotel Room Supply Estimated in Future Conditions

	<u>No-Action Condition Hotel Rooms</u>	<u>With Action Condition Hotel Rooms</u>	<u>Increment</u>
<u>Supply Post Pandemic¹</u>	<u>95,860</u>	<u>95,860</u>	<u>=</u>
<u>Additional Rooms through Vesting and Exclusion provisions²</u>	<u>=</u>	<u>27,590</u>	<u>=</u>
<u>Rooms Expected to seek Special Permits</u>	<u>=</u>	<u>4,210</u>	<u>=</u>
<u>Future Development without Special Permit³</u>	<u>78,880</u>	<u>=</u>	<u>=</u>
<u>Total 2035 Supply</u>	<u>174,730</u>	<u>127,660</u>	<u>(47,070)</u>
<u>Total 2035 Demand</u>	<u>174,730</u>	<u>174,730</u>	<u>=</u>

Source: DCP, Consultant Report

Notes:

¹ Estimated at approximately 75% of the January 2020 supply of 127,810

² includes development that would occur as-of-right under the With Action Condition

³ Includes development from within the existing DOB pipeline and future unknown development

Proposed Scope of Work for the DEIS

As discussed above, DCP, on behalf of CPC as lead agency in the environmental review, has determined that the Proposed Action has the potential to result in significant environmental impacts in certain technical areas and, therefore, pursuant to CEQR procedures, has issued a positive declaration requiring that an EIS be prepared.

The EIS will be prepared in conformance with all applicable laws and regulations, including SEQRA (Article 8 of the New York State Environmental Conservation Law) and its implementing regulations found at 6 NYCRR Part 617, New York City

Executive Order No. 91 of 1977, as amended, and the Rules of Procedure for CEQR, found at Title 62, Chapter 5 of the Rules of the City of New York.

The Proposed Action's EIS will cover the following technical areas: Land Use, Zoning and Public Policy; Socioeconomic Conditions, and Neighborhood Character. The remaining CEQR impact categories have undergone analysis as part of an EAS for the Proposed Action. Under guidelines specified in the *CEQR Technical Manual*, the lead agency determined that further analysis of these remaining CEQR impact categories is not required as there would be no potential for significant adverse impacts due to the Proposed Action.

Based on the conclusions and analyses of the Proposed Action's EAS, the EIS for the Proposed Action will include the sections outlined below. The EIS will follow the guidance of the *CEQR Technical Manual*, and will contain:

- › A description of the Proposed Action and its environmental setting;
- › A statement of the environmental impacts of the Proposed Action, including its short and long-term effects and typical associated environmental effects;
- › A description of mitigation measures proposed to eliminate or minimize adverse environmental impacts;
- › An identification of any adverse environmental effects that cannot be avoided if the Proposed Action is implemented;
- › A discussion of reasonable alternatives to the Proposed Action; and,
- › An identification of irreversible and irretrievable commitments of resources if the Proposed Action is implemented.

As noted above, the EIS will analyze the environmental effects that could be realized under the Proposed Action for the identified technical areas of concern. The specific technical areas to be included in the EIS, as well as their respective tasks and methodologies, are described below.

Task 1: Project Description

The first chapter of the EIS introduces the reader to the Proposed Action and sets the context in which to assess possible effects. This chapter will contain a description of the Proposed Action: its area of applicability; the background and/or history of the proposal; a statement of the purpose and need; a detailed description of the Proposed Action; and discussion of the approvals required, procedures to be followed, and the role of the EIS in the process. This chapter is the key to understanding the Proposed Action and its impact and gives the public and decision makers a base from which to evaluate the Proposed Action. In addition, the project description will present the planning background and rationale for the action being proposed and define the framework for analysis that will be utilized in the EIS. The section on approval procedure will explain the zoning text amendment processes, timing, and hearings before the Community Board, the Borough Presidents' Offices, the CPC, and the New York City Council. The role of the EIS as a full disclosure document to aid in decision-making will be identified and its relationship to the Proposed Action and the public hearings described.

Task 2: Land Use, Zoning, and Public Policy

A land use analysis characterizes the uses and development trends in the area that may be affected by a proposed action and determines whether a proposed action is either compatible with those conditions or whether it may affect them. Similarly, the analysis considers the action's compliance with, and effect on, the area's zoning and other applicable public policies.

The Proposed Action is a citywide zoning text amendment to establish a new special permit under the jurisdiction of the CPC for new hotels; hotel use would no longer be an as-of-right use in any zoning district within the city. This change would not change the provisions of existing zoning districts (e.g., allowable floor area ratios, bulk provisions, parking requirements, etc.) other than to introduce the special permit for hotel uses.

This chapter will analyze the potential impacts of the Proposed Action on land use, zoning, and public policy, pursuant to the methodologies presented in the *CEQR Technical Manual*. Consistent with the Analytical Framework, the EIS will take a generic approach to this analysis since the Proposed Action has applicability citywide.

Task 3: Socioeconomic Conditions

As discussed in the **EAS Part II: Technical Screenings**, the Proposed Action is not anticipated to result in adverse impacts with respect to direct residential displacement, indirect residential displacement, direct business displacement, or indirect business and institutional displacement. The EIS analysis will focus on the Proposed Action's potential to result in adverse effects on specific industries since it would introduce a CPC special permit for the development of hotels citywide.

Based on the guidelines of the *CEQR Technical Manual*, as discussed in the **EAS Part II: Technical Screenings**, a detailed assessment of adverse effects on specific industries is warranted and will be explored in-depth in the EIS.

As noted in the *CEQR Technical Manual*, key to understanding potential impacts on specific industries or categories of businesses is to develop an understanding of the relationship between the Proposed Action and the business conditions experienced by potentially vulnerable industries or categories of businesses. The Socioeconomic Conditions analysis will compare the future of the hotel and tourism industries with a hotel special permit requirement (the With-Action Condition) to the future of those industries without a hotel special permit requirement (the No-Action Condition) as established by the RWCDs and estimate the future loss of visitation and related spending due to a projected shortfall in 2035 hotel rooms. The analysis will consider future economic output as an indicator of potential impacts to the hotel and secondary industries, but the assessment of direct economic impacts is outside the scope of CEQR.

The EIS will consider the effects of this Proposed Action on business conditions in the Accommodations industry, as defined by NAICS code 721, and the broader tourism industry. The analysis will be based on interviews, data collection, market

analysis, and a review of underlying economic trends pre- and post-COVID-19. The RWCDs will be used to estimate the economic activity of the Accommodation industry in terms of total gross output (sales), earnings and number of employees in the 2035 build year using the Bureau of Economic Analysis's RIMS II model. With regards to the tourism industry, the analysis will also estimate the potential effect on future overnight visitation to New York City and the ability of hotels in the city to accommodate projected visitor demand in the Analysis Year.

The CEQR Technical Manual has guidance for assessment of temporary economic impacts to specific industries. The impact of temporary/one-time jobs are generally construction jobs. However, in the case of the Proposed Action, it is expected that sites that would have been hotels in the No-Action Condition would be constructed for some other purpose in the With-Action Condition, therefore the EIS will not estimate the impact on temporary jobs.

As stated in the CEQR Technical Manual, significant adverse impact may occur if it is determined that the Proposed Action would affect operating conditions for certain categories of business by substantially impairing the ability of a specific industry or category of business to continue operating within the City. The determination of significance will consider the CEQR Technical Manual guidance and be based on the Proposed Action's anticipated effects on the hotel and tourism industries. If a significant adverse impact is identified, mitigation measures will be explored under **Task 5: Mitigation.**

Task 4: Neighborhood Character

The *CEQR Technical Manual* defines neighborhood character as an amalgam of the various elements that give neighborhoods their distinct personality. These elements can include land use, socioeconomic conditions, open space, historic and cultural resources, urban design and visual resources, shadows, transportation, and noise, but not all of these elements contribute to neighborhood character in all cases. For neighborhood character, CEQR considers how those elements combine to create the context and feeling of a neighborhood, and how an action would affect that context.

According to the *CEQR Technical Manual*, an assessment of neighborhood character may be appropriate if the proposed action impacts any of those individual elements within a neighborhood. It is also possible that several moderate changes in the elements that contribute to a neighborhood's character could lead to a significant impact on neighborhood character. Generally, neighborhood character impacts are rare, and it would be unusual that, in the absence of a significant adverse impact in any of the relevant technical areas, a combination of moderate effects to the neighborhood would result in an impact to neighborhood character. Moreover, a significant impact identified in one of the technical areas that contribute to a neighborhood's character is not automatically equivalent to a significant impact on neighborhood character, but rather serves as an indication that neighborhood character should be examined.

Methodologies outlined in the *CEQR Technical Manual* will be used to provide an assessment of neighborhood character. The EIS will consider the Proposed Action's

potential to affect neighborhood character based on the conclusions of land use, zoning, and public policy as well as socioeconomic conditions analyses. Other impact categories that influence neighborhood character do not warrant analysis but will be discussed in the Neighborhood character chapter of the EIS.

Task 5: Mitigation

Where significant adverse impacts have been identified in the technical areas discussed above, measures will be identified to mitigate those impacts, to the extent practicable and feasible. Where impacts cannot be mitigated, they will be described as unavoidable adverse impacts.

Task 6: Alternatives

The purpose of an alternatives analysis is to examine reasonable and practicable options that avoid or reduce project-related significant adverse impacts while achieving the goals and objectives of the Proposed Action. The specific alternatives to be analyzed are typically finalized with the lead agency as project impacts become clarified. A No Action Alternative, which describes the conditions that would exist if the Proposed Action was not implemented, is required, and will be analyzed. A "Non-Recovery Alternative" that assesses the future without the proposed "Recovery Provisions", and therefore result in a larger unmet demand for hotel rooms is the 2035 analysis year, will also be assessed.

The alternatives analysis will be qualitative or quantitative as appropriate. The level of analysis will depend on an assessment of project impacts determined by the analysis connected with the appropriate tasks.

Task 7: Conceptual Analysis

As noted above, the Proposed Action would create a new special permit under the jurisdiction of the CPC for new hotels in the Area of Applicability (as defined above). Future hotel development would be subject to review by the New York CPC since hotel use would only be allowed through the granting by CPC of a special permit; therefore, any future use proposal for hotel use would be assessed and disclosed to the public under and pursuant to a separate environmental review. Because it is not possible to predict whether a special permit would be pursued on any one site in the future, the RWCDs for the Proposed Action does not include consideration of specific development that would utilize the new special permit. Therefore, a conceptual analysis will be provided to generically assess the potential environmental impacts that could result from development pursuant to the special permit.

Task 8: EIS Summary Chapters

In accordance with CEQR guidelines, the EIS will include the following three summary chapters, where appropriate to the Proposed Action:

- › **Unavoidable Adverse Impacts**, which summarizes any significant adverse impacts that are unavoidable if the Proposed Action is implemented regardless of the mitigation employed (or if mitigation is not feasible).
- › **Growth-Inducing Aspects of the Proposed Action**, which generally refer to “secondary” impacts of a Proposed Action that trigger further development.
- › **Irreversible and Irretrievable Commitments of Resources**, which summarizes the Proposed Action and its impacts in terms of the loss of environmental resources (loss of vegetation, use of fossil fuels and materials for construction, etc.), both in the immediate future and in the long term.

Task 9: Executive Summary

The executive summary will utilize relevant material from the body of the EIS to describe the Proposed Action, potential environmental effects, mitigation measures, and alternatives to the Proposed Action.

Appendix A: Response to Comments



1

Introduction

This document summarizes and responds to comments on the Draft Scope of Work (DSOW) for the Citywide Hotels Text Amendment, published on December 21, 2021.

City Environmental Quality Review (CEQR) requires a public scoping meeting as part of the environmental review process. Oral and written comments were received during the public hearing held by the New York City Department of City Planning (DCP) on January 22, 2021. Written comments were accepted from issuance of the DSOW through the close of the public comment period, which ended at close of business on February 1, 2021. **Appendix B** contains the written comments received on the DSOW.

Section 2 lists the elected officials, organizations, and individuals that provided relevant comments on the DSOW. **Section 3** contains a summary of these relevant comments and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the DSOW. Where more than one commenter expressed similar views, those comments have been grouped and addressed together.

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List of Elected Officials, Organizations, and Individuals who Commented on the Draft Scope of Work

Elected Officials

1. Brooklyn Borough President Eric Adams, spoken testimony and written statement dated February 1, 2021 (Adams)
2. Queens Borough President Donovan Richards, written statement dated January 22, 2021 (Richards)
3. Brooklyn District 43 Council Member Justin Brannan, spoken testimony and written statement dated January 22, 2021 (Brannan)
4. Manhattan District 1 Council Member Margaret Chin, written statement dated January 01, 2021 (Chin)
5. New York State Assemblywoman for Manhattan District 72 Carmen De La Rosa, spoken testimony (De La Rosa)
6. New York State Assemblywoman for Manhattan District 50 Emily Gallagher, spoken testimony (Gallagher)
7. Manhattan District 5 Council Member Benjamin Kallos, spoken testimony and written statement dated January 22, 2021 (Kallos)
8. Brooklyn District 39 Council Member Brad Lander, spoken testimony and written statement dated January 22, 2021 (Lander)
9. Manhattan District 7 Council Member Mark D. Levine, written statement received February 8, 2021 (Levine)
10. Brooklyn District 4 Council Member Carlos Manchaca, spoken testimony (Manchaca)
11. Manhattan District 4 Council Member Keith powers, spoken testimony (Powers)

12. Bronx District 12 Council Member Kevin Riley, written statement dated February 01, 2021 (Riley)

Community Board

13. Michael Burke, Bronx Community Board 12, spoken testimony (CB12)
14. Lowell Kern, Chair for Community Board 4, written testimony dated January 01, 2021 (MCB4)
15. Josephine Beckmann, District Manager of Community Board 10, written testimony dated January 26, 2021 (CB10)

Organizations and Interested Public

16. Lisa Orrantia, Akerman LLP, written statement dated January 1, 2021 (Akerman)
17. Richard Barth, Capalino, spoken testimony (Capalino)
18. Regina Myer, Downtown Brooklyn Partnership, written statement dated January 22, 2021 (Downtown Brooklyn Partnership)
19. Caroline Perry, Downtown Brooklyn Partnership, spoken testimony (Downtown Brooklyn Partnership)
20. Howard Goldman, GoldmanHarris LLC, written statement dated January 27, 2021 (Goldman Harris)
21. Eddie Hidary, Hidrock Properties, written statement dated January 26, 2021 (Hidrock)
22. Hemal Patel, Jannat Hospitality Group, written statement dated January 05, 2021 (JHG)
23. Partnership for New York City, written statement dated January 22, 2021 (Partnership for New York City)
24. Mario Buonviaggio, Port Richmond Strong Civic Association, written statement dated January 26, 2021 (Port Richmond Strong Civic Association)
25. Basha Gerhards, REBNY, spoken testimony and written statement dated January 22, 2021 (REBNY)
26. Moses Gates, Regional Plan Association, spoken testimony and written statement dated January 27, 2021 (RPA)
27. Ross Moskowitz, Strook LLP, written statement dated January 1, 2021 (Strook)
28. Brendan Bermudez, written statement dated January 29, 2021 (Bermudez)
29. Mary Bullock, written statement dated January 22, 2021 (Bullock)
30. Ben Carlos, spoken testimony (Carlos)
31. Jean Coffin, spoken testimony (Coffin)
32. Daniel Cohen, written statement dated January 22, 2021 (Cohen)
33. Jonah Dill-D'Ascoli, spoken testimony and written statement dated January 22, 2021 (Dill-D'Ascoli)
34. Spencer Heckle, spoken testimony (Heckle)
35. Daniel Hernandez, written statement dated January 25, 2021 (Hernandez)
36. Paul Kane, spoken testimony (Kane)
37. Cory Kantin, written statement dated January 5, 2021 (Kantin)

38. David Karnovsky, spoken testimony (Karnovsky)
39. Jessica Katz, Citizens Housing and Planning Council, spoken testimony (Citizens Housing Council)
40. Eric Kober, written statement dated January 29, 2021 (Kober)
41. Maria Lopez, written statement dated January 25, 2021 (Lopez)
42. Susy Panggawean, spoken testimony and written statement dated January 21, 2021 (Panggawean)
43. Arpit Patel, written statement dated January 20, 2021 (Patel)
44. Biviana Pereira, written statement dated January 25, 2021 (Pereira)
45. Gregory Pugh, written statement dated January 28, 2021 (Pugh)
46. Ron Rocheleau, spoken testimony and written statement dated January 21, 2021 (Rocheleau)
47. Juan Rodriguez, spoken testimony and written statement dated January 22, 2021 (Rodriguez)
48. Carol Rosenthal, spoken testimony and written statement dated January 30, 2021 (Rosenthal)
49. Michael Savino, spoken testimony and written statement dated January 25, 2021 (Savino)
50. Ilya Schwarzberg, Libertarian Party of New York, spoken testimony (Libertarian Party)
51. Paul Selver, written statement dated January 22, 2021 (Selver)

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Comments and Responses on the Draft Scope of Work

Comments Received in Support of the Proposed Action

The following organizations and members of the interested public submitted testimony: Queens Borough President Donovan Richards; Community Board 10 President Josephine Beckmann; City Councilmember Justin Brannan; Bronx Community Board 12 member Michael Burke; City Councilmember Margaret Chin; New York State Assemblywoman Carmen De La Rosa; New York State Assemblywoman Emily Gallagher; City Councilmember Benjamin Kallos; Community Board 4 member Lowell Kern; City Councilmember Brad Lander; City Councilmember Mark Levine; City Councilmember Mark D. Levine; City Councilmember Carlos Menchaca; City Councilmember Keith Powers; City Councilmember Kevin Riley; Brendan Bermudez; Mary Bullock; Mario Buonviaggio; Jonah Dill-D'Ascoli; Daniel Hernandez; Maria Lopez; Susy Panggawean; Biviana Pereira; Gregory Pugh; Ron Rocheleau; Juan Rodriguez; and Michael Savino.

Comments on the Proposed Action

Proposed Action

- c.1 **The intended analysis for the Citywide Hotel Text Amendment represents an opportunity for collaboration between the City of New York, local elected officials, and business and community members to evaluate ways to best address the hotel industry and its related synergy with establishments that that are benefitting from hotel guests, as well as impacts associated with hotel placements. The DEIS and related draft zoning text amendment should be prepared in a timely manner to**

facilitate discourse at the 59 community boards as well as each borough board and borough president, the City Planning Commission (CPC) and City Council, with members of the business and residential communities. (Adams)

Response: Comment noted. The CPC referral process, mandated by Section 200 of the New York City Charter, is a process specifically designed to allow public review of a Proposed Action at four levels: Community Board, Borough Board, CPC, and City Council. The public review period of the DEIS is initiated upon publication of the DEIS and issuance of the Notice of Completion. During this time, the public has the opportunity to review and comment on the DEIS either in writing or at a public hearing convened for the purpose of receiving such comments. When the CEQR process is coordinated with the CPC referral process, the public hearings are held jointly.

- c.2 MCB4 requests that special permits for the conversion of hotels and commercial buildings to public purpose hotels and/or social service facilities, such as temporary homeless shelters, be subject to public review, given the public safety issues that have resulted from such uses. (MCB4) DCP, along with MCB4, should develop a careful and considered plan for the conversions of hotels to affordable housing or shelter use. (MCB4)**

Response: The Department of City Planning will exclude Use Group 5 transient uses operated for a public purpose. As explained in the EIS, while transient hotels operated to house homeless individuals will continue to be permitted as-of-right as they are today, this proposal is intended to address land use concerns associated with new commercial hotels and is neutral regarding current policies for siting shelters. It is a legal obligation of the City to shelter anyone who needs housing in the five boroughs, which requires retaining the existing flexibility in zoning that permits temporary housing for the homeless in all C, MX, and M1/R districts. The proposed text amendment is designed to place controls on the location of hotels for visitors and not hotels used exclusively to shelter homeless individuals. (As described in "Turning the Tide on Homelessness in New York City," the City aims to end the use of all cluster sites and commercial hotel facilities citywide that are currently used to house the homeless by opening a number of new, more effective traditional shelters.)

Purpose and Need

- c.3 The DSOW fails to establish that the proposed legislation serves a legitimate public purpose or that it meets the criteria for a "well-considered plan." (Barth, Selver) Some of the statements in the DSOW are internally inconsistent; others are just plain absurd, and lacking in factual support.¹ Unless the City can find something more than its ipse dixit on which to base its claim of need, it will have failed both to provide a public purpose for the regulation that "substantially advances(s) legitimate state interests"² and to meet even the most basic criteria for the "well-considered plan" required by the General City Law. (Selver) The DSOW "Purpose and Need" section gives no examples and does not document the types of land use impacts the special permit is supposed to address. (Kober) The stated rationale fails to support the text amendment and is arbitrary and capricious. (Patel) The proposed**

¹ The commenter references the following statements from the Draft Scope of Work: The City asserts that "new hotel development has introduced new activity that may conflict with existing businesses in commercial districts", that "the transient nature of hotels can change the primarily residential character of some commercially zoned neighborhoods", that "hotels can create conflicts with adjacent uses and residences" or "create nuisances on surrounding residents or local services", and that "surrounding business activity and traffic may pose unsafe conditions for guests " in C8 and mixed use districts.

² The commenter references *Agins v. Tiburon*, 447 US 255, 260 (1980).

zoning text amendment lacks underlying land use justification in the Purpose and Need. None of these supposed land use issues can be documented successfully. The lack of any meaningful documentation of the existence of a bona fide land use issue undermines the entire environmental review process. It is impossible to comment effectively on the scope of the environmental review or on reasonable alternatives to the proposed action when no useful information is provided on the problem the proposed action is intended to solve. (Kober) There is no rational land use basis to justify moving forward with the creation of a citywide special permit for the development of future hotels. (REBNY) The legislation's potential for mischief with the City's economy, with its budget and with the varied character of its many neighborhoods puts an especially heavy burden on the DCP to justify the proposal and to ensure that its possible impacts are fully and fairly documented in the action's environmental impact statement. Unfortunately, the DSOW falls short of the meeting that burden. (Selver) The DSOW doesn't cite or present any Planning studies to justify a radical departure from zoning rules that have been in effect since 1961. In short, the rationale offered for the proposal is nonexistent. (Karnovsky) The legislation's potential for mischief with the City's economy, with its budget and with the varied character of its many neighborhoods puts an especially heavy burden on the DCP to justify the proposal and to ensure that its possible impacts are fully and fairly documented in the action's environmental impact statement. Unfortunately, the DSOW falls short of the meeting that burden. (Selver)

Response: As described in the Project Description of the FSOW, the City has experienced rapid growth in new hotel development, accounting for an increase in new rooms of over 70 percent since 2007 and over 40 percent since 2015. Until the COVID-19 pandemic brought most new construction to a halt in March 2020, new hotels were outpacing other types of non-residential development in some parts of the city—in some instances introducing conflicts with adjacent uses and influencing development patterns in unanticipated ways. The rapid growth of hotels across the city, especially in locations that had not historically experienced much hotel development, has raised concerns in communities and led to calls for better review of development to address conflicts and potential nuisances. Although hotels are appropriate and desirable uses in the city's commercial, mixed-use, and light manufacturing districts, reviewing the project's relationship to area context will result in better configuration of the use to minimize conflicts with adjacent uses and protect the safety of hotel guests.

- c.4 The DSOW "Purpose and Need" section gives no examples of "conflicts" with adjacent uses, "land use challenges" in mixed-use districts, or "nuisances" on surrounding residents or local services. The final scope of work should have meaningful documentation of the types of land use impacts the special permit is supposed to address. (Kober) DCP must explain what may constitute conflict, provide evidence or rationale for why these potential conflicts are unique to hotels in particular, why they rise to a level of nuisance that other conflicts do not, and why they need to be reviewed on an ad-hoc basis for conflict with adjacent uses. Since the stated goal is at direct odds with the proposed scope of work, it begs the question of if this study should go forward at all or be withdrawn and replaced with a more appropriate scope of work. (Regional Plan Association) According to the draft scope, the text amendment is needed because hotels and commercial districts (and that includes hotels and central business districts) present what it vaguely describes as, "land use challenges." The scope does not identify what these land use challenges are. It does not present any data or other evidence to support the**

assertion that hotels present land use conflicts and high density and other commercial districts. (Karnovsky)

Response: See Response to Comment C.3.

- c.5 If hotels are considered “appropriate and desirable uses,” with the only rationale for a citywide special permit being conflict with adjacent uses and protecting the safety of hotel guests, it begs the question of how these safety and conflict concerns are particular to hotels and their occupants. What is unique about a hotel guest that engenders more safety concerns from the surrounding urban environment than an office worker, or restaurant patron, or anyone else trying to cross the street? Wouldn’t a childcare or assisted living facility, for instance, engender more concerns over protecting the safety of its users from the surrounding environment? At minimum, as part of the scope of work, it is incumbent on DCP to point out what exactly these safety concerns are, back them up with evidence, and explain how they are different from the safety concerns of anyone else. (Regional Plan Association) The DSOW “Purpose and Need” section does not document any instance in which a lack of infrastructure endangered the safety or needs of hotel guests. (Kober)**

Response: As part of a special permit review the City Planning Commission will consider the potential for land use conflicts to be created by any new hotel. It will review the proposed project to ensure that adjacencies would not compromise the safety of the hotel’s operation or that of surrounding activities. As part of the special permit the CPC will have the ability to impose conditions or limitations to ensure that no serious conflicts result.

- c.6 The Draft Scope suggests that a hotel use is inconsistent with a commercial district; this is a glaring error. A hotel use, or Use Group 5 Transient Hotel, is in fact a commercial use, as set forth in the Commercial Use Regulations (§32-14) of the Zoning Resolution. It is the first Commercial Use Group listed after the Residential and Community Facility Uses (Use Groups 1-4 found in §22-00, et al.), as it is closely related to residential uses in that hotels are multiple dwellings, and regulated by the New York State Multiple Dwelling Law, just like residential uses and community facility uses with sleeping accommodations. (Patel) As the Use Groups go up in number, they also become more invasive or offensive to a neighborhood. To state that a transient hotel would be inconsistent with the residential uses found within a Commercial District is nonsensical. Namely, hotels are the least offensive Use Group of the commercial uses listed in the Zoning Resolution; and if hotels are found to be incompatible with residential buildings in Commercial Districts, then all commercial uses would be found to be incompatible with residential buildings in Commercial Districts. (GoldmanHarris, Patel)**

Response: While hotels are like residential uses in that they primarily contain sleeping accommodations, the transient nature of hotels can change the residential character of some neighborhoods. At the same time, many C8 and mixed-use districts where new hotels have located lack amenities and services, and surrounding business activity and traffic may pose unsafe conditions for guests. The special permit will allow the CPC the ability to review each hotel in its surrounding context to ensure that no serious conflicts would result.

C.7 A Citywide Special Permit for hotel use would make hotels the only significant use that would need a special permit citywide.³ (Regional Plan Association)

Response: Other significant uses that require a special permit citywide include public parking garages of larger than 150 spaces. Although hotels are appropriate and desirable uses in the city's commercial, mixed-use, and light manufacturing districts, reviewing the project's relationship to area context will result in better configuration of the use to prevent serious conflicts with adjacent uses and protect the safety of hotel guests.

C.8 ...to reuse the City's prior rationale for the hotel special permit within M1 Districts does not work for this proposed text amendment. The only real conflict cited by the Draft Scope was in C8 and Mixed-Use Districts, where the Draft Scope states these areas "lack amenities and services, while surrounding business activity and traffic may create hazard for guests." But Mixed Use Districts, not unlike C8 districts which allow heavier Commercial Uses and some Community Facility Uses, were fully analyzed for the 2018 M1 hotel special permit text change, and specifically excluded from having to obtain a special permit for hotels.⁴ (See, ZR). In fact, the 2018 Hotel Special Permit text states (in pertinent part), "a special permit pursuant to the provisions of Section 74-803 shall not be required for developments, enlargements, extensions or changes of use of transient hotels in:... a Special Mixed Use District or where any M1 District is paired with a Residence District." The 2018 Final Scope of Work for the M1 District Hotel Special Permit found that a special permit for hotels in M1 Districts was necessary because "hotels may directly or indirectly detract from opportunities for other kinds of development, including industrial, residential, institutional, and other commercial uses..." Additionally, the M1 Final Scope implied that industrial and manufacturing businesses may be incompatible with hotels. Of extreme relevance here, is that the M1 Final Scope found that Commercial Districts are not in need of the same kinds of protection from hotels that M1 Districts require, given the scarcity of Commercial Districts throughout the City, and the fact that most Commercial Districts are almost fully developed, unlike M1 Districts. The fact that M1 Districts were singled out so specifically two years ago and contrasted against Commercial Districts to show the need for the City to protect M1 Districts from hotels, makes this proposed text amendment that much more absurd. There is nothing that has so drastically changed since 2018, pandemic aside, that would account for this complete reversal in policy. (Patel) The EIS should address the glaring disconnect between the land use and public policy analysis for the M1 Hotel Text Amendment – which relied heavily on the continued availability of as of right development opportunities in other districts in order to justify a conclusion that a shift to a discretionary system in M1 districts would have no impacts – and this proposal, which would wipe out those same opportunities. (REBNY) Part of the justification for the previous M1 Hotel special permit amendment was that future hotel demand could be accommodated elsewhere in the city. This current proposal would invalidate that conclusion. (Barth)

Response: After public review of the M1 hotel special permit and other rezoning applications, it became apparent that there was a need to control all hotel development

³ The commenter notes that "There are places in New York where one can build roller coasters, aircraft factories, garbage dumps, fertilizer manufacturers, cement plants and petting zoos as-of-right. There are seven zoning districts where one can build a football stadium, five where one can locate a temporary carnival or circus and four where one can build a blacksmith shop. There are 16 where one could currently locate an active cemetery and four where one could locate an active crematorium."

⁴ The commenter references ZR §42-111(b)(1)(ii).

Citywide. Commentors on those projects requested broader controls on hotel development. This special permit is intended to address public concerns.

- c.9 The City argues that the special permit is needed as a vehicle for establishing a single, unified standard for allowing the development of hotels. Its argument ignores the fact that, in New York City, one size NEVER fits all. The sheer diversity of its neighborhoods undermines the rationale for a single, Citywide standard pursuant to which hotels would be allowed. The issues faced in developing a hotel are different across the city. (Selver) Neighborhood character, by definition and by statute with the special districts, identifies neighborhoods as geographic areas with unique architectural, design, historical or cultural attributes. The M1 Hotel Text Amendment was intended to reduce land use conflicts between hotels and industrial uses, while recognizing that the tourism industry is essential to the City, generating new jobs and helping to support a large number of businesses and cultural institutions. An examination of other special permits and their respective findings in the special districts also reflect neighborhood specific concerns, which this proposal would purposefully negate in favor of a one-size fits all approach. Yet, in Midtown, hotels are explicitly desired, and the controls were to ensure that programmatically such development complemented the business nature of the community. The EIS needs to explain how that individuality and neighborhood specific prioritization will be accounted for in a citywide permit with citywide findings that treats all hotels regardless of location and surrounding uses as a nuisance category. (REBNY)**

Response: Each request for a hotel special permit will be treated as an individual application. The CPC will review each project based on its location, site plan, and its neighborhood. Each project will be reviewed based on its appropriateness for the neighborhood where it is proposed to be located.

- c.10 There is reason to fear that at least some of the required findings will, like those in the M1 district hotel special permit, be so vague and subjective that they will invite politicized, arbitrary, and capricious administration. (Selver) DCP's proposed amendment will not create a more consistent framework for hotel development citywide nor will it support more predictable development of hotels; instead it will do the opposite by creating an even more individualized process than currently exists. Each new or expanded hotel will be subject to individual negotiation over various factors, including labor issues, that is inherent in the ULURP process, particularly at the City Council stage. This is unlikely to achieve anything consistent in future hotel development, but instead will create an ad hoc process in which each action will be subject to uncertainty and unpredictability. (Partnership for New York City, Regional Plan Association) An examination of cross-purposes policy goals will reinforce that there can be no reasonable findings for such a permit. (REBNY) This proposal will devolve power to local NIMBYs and busybodies at the hyper local level and will result in disfunction. (Heckle) Decision making will devolve to the block level. (Kane)**

Response: The CPC will carefully consider each individual application for a special permit. All projects will be considered based upon location. The CPC will decide if the project is appropriate for its locations based on the special permit findings.

- c.11 If DCP wants a framework for uniform and predictable hotel development, DCP should conduct a study of the city and determine the best framework for uniform and predictable hotel development, preferably in the context of a comprehensive**

citywide planning effort. Just like there are areas and zones of the city where hotels are inappropriate, there are areas and zones of the city where hotels are appropriate. (Regional Plan Association) The City should not spend nearly a million dollars of taxpayer money to study this but should instead be focused on proposals that promote fair housing, create an environmentally just rezoning, turn the tide on climate change, and promote health, equity, and prosperity. (Katz) We should be analyzing the code for places where we can remove restrictions to jumpstart our economy and help our city bounce back. (Katz) What we need is a comprehensive plan that makes building housing, hotels, and all other land uses as-of-right. (Heckle) Hotel policy and strategies should be considered on a City-wide level. (Kane)

Response: A CPC special permit will create a framework for predictable hotel development. Rezoning to turn the tide on climate change or a comprehensive plan for housing and other land uses are beyond the scope of this action.

- C.12 New hotels will be precluded. (Regional Plan Association) The proposal will add additional time, expense, and risk for an industry that is already subject to certain inherent risk factors that include time, costs, and potential legal challenges; this will have a deterrent effect and introduce a major hurdle that will significantly reduce, if not nearly halt, new hotels in the City. (Barth, Katz, Rosenthal) The EIS must address the appropriateness of a de facto moratorium on future hotel development citywide that will stymie the future recovery of an industry. (REBNY) The proposed special permit for new hotels amounts to all-but-banning new hotels. (Daniel Cohen) The proposal will preclude most hotel is likely to eliminate the development of all small and moderate hotels, mixed-use hotels, projects, conversions, as well as new products geared to the changing needs of travelers and businesses. (Barth)**

Response: This citywide proposal would not prohibit hotels, but subject them to the CPC Special Permit requirement. Since 2010 there has been a rapid increase in hotel inventory throughout New York City. Careful review of new hotel development provides an opportunity to review development within the surrounding context of the varied neighborhoods where hotels are allowed.

- C.13 The DSOW states that there has been no hotel development in M1 districts since the enactment of the M1 district special permit, providing a strong indication that there will similarly be little or no hotel development citywide if this action is approved. (Carlos, Coffin, Katz, REBNY, Rosenthal) The many existing hotel special permits in the Zoning Resolution have not resulted in any land use review applications. (Coffin, Katz, Kober) The lack of applications is explained by the differences between the types of hotels typically in demand in the marketplace, and those desired by the politically active labor union that has pushed for the enactment of hotel special permits, culminating in this proposed action. As long as the current political context persists in which the union can influence the land use review process, the lack of applications will continue. (Kober)**

Response: The draft scope indicates that there will be fewer hotels due to the proposed action. The special permit will ensure that those hotels that do get built will be introduce fewer conflicts and be more compatible with surrounding uses. There have been recent applications for the M1 special permit, with the expectation that hotel special permits will be seen as worthwhile as demand increases, leading to more applications.

- C.14 Special permits for specific uses limit development and can have disastrous results. As an example, since 1972, there have been only 12 applications for nursing homes (resulting in 1,400 beds) because development of nursing homes requires a special permit. This leaves NYC short 10,000 nursing home beds and has instead resulted in a profit bonanza for nursing home operators. (Carlos)**

Response: The proposed “recovery provisions” are intended to bring the hotel inventory back to 2019 levels, which supported record visitation. The City’s hotel industry will continue to support a robust tourism economy while ensuring that new development is well-considered and sensitive the surrounding communities. The DEIS will analyze potential impacts to the tourism industry.

- C.15 The EIS needs to evaluate the effect of the proposed action, which will create a shortfall of some 62,000 hotel rooms in the City in the build year. (Rosenthal) The consequences of moving forward need to be carefully evaluated and carefully considered. (Barth)**

Response: The DEIS will analyze any potential impacts related to a shortfall of hotel rooms.

- C.16 This proposal is anti-competitive policy that is a handout to already-existing hotels at the expense of all parts of NYC’s economy that rely on tourism. (Daniel Cohen) It is plain as day that this is a corrupt pay-to-play policy from mayor De Blasio. (Daniel Cohen) This proposal has a shadow of political corruption. (Schwartzberg) The Hotel Trades Council is a powerful political force in the city and their financial support of legislators and, in particular, the mayor, is the reason behind this proposal. (Carlos) This special permit would set an incredibly troubling precedent in which special interests are able to outsource their organizing to the government. (Carlos) Were City Councilmembers interested in housing production or the negative externalities of hotels, and not simply doing a favor for their campaign contributors, they would be proposing innovative ways to increase housing throughout the city and not supporting this proposal. (Kane) The proposed zoning text amendment is a politically motivated payoff to a labor union. (Kober)**

Response: The Hotel Trades Council is only one of many constituents that have supported greater controls on hotel development.

- C.17 Incumbent hotel owners will benefit from this proposal. (Kane) This proposal is plainly a power grab by an unholy alliance of the Hotel Association and Hotel Trades Council to protect the profits of existing hotel owners. (Carlos)**

Response: See response to Comment C.3

- C.18 Were our council members truly concerned about the city's lack of affordable and supportive housing, as several claim to be, they would view the proliferation of hotels as an indication that our residential zoning is neither dense enough nor widespread enough to provide enough homes to New Yorkers. In most neighborhoods, the choice between building hotel rooms or residences would always favor the residential development. But because hotels cannot be developed in residential zones and residential properties cannot be developed in the commercial areas that currently allow hotels, this special permit does nothing to increase the development of housing. It's a false dilemma that council members are bringing up in order to muddy the waters and hide the obvious purpose of the special permit proposal. (Kane)**

Response: Comment noted.

- C.19 The city should do everything possible to capitalize on the substantial pent-up demand for travel from people across the globe who have been restricted to their homes or local areas since the beginning of the pandemic. This includes removing or suspending restrictions that hinder businesses' ability to operate. (Eddie Hidary, Hidrock Properties, Partnership for New York City) This Proposed Text Amendment could not come at a worse time for New Yorkers. (Patel) As New York continues to fight COVID-19, we need predictable and transparent city regulations and land use policies to create a sustainable economic recovery, especially in development. The real estate, construction, office, and international business industries, as well as tourism, are vital to New York's livelihood, creating thousands of jobs and billions of dollars in tax revenue. At a time when we need jobs and economic activity more than ever, this proposal seeks to undermine our economic recovery and other city efforts to affirm New York is open for business. (Katz, Patel, REBNY, Rosenthal, Selver)**

Response: See Response to Comment C.14.

Analysis Assumptions / RWCDs

- C.20 Because of the unique context in which the proposed action is occurring, an analysis year of 2035 is inadequate. Because of this, the gap between the demand for hotel rooms in New York City and the supply can be expected to continue to grow well past the proposed build year, and any absorption of hotels currently in the pipeline. A second, later build year should be included in the final scope of work to account for such long-term effects. (Kober)**

Response: The EIS will consider an analysis year of 2035, which is based on industry projections that the New York City hotel market will recover to 2019 levels by the year 2025, then an additional 10-year period is considered since an analysis year 10 years in the future is generally considered reasonable for generic actions. 2035 is sufficient to assess impacts to the hotel and related industries with a reasonable level of confidence. The Department of City Planning will continue to monitor the status of hotels between the Draft EIS and Final EIS.

- C.21 The Future Without the Proposed Action section considers two scenarios, one assuming the return of all temporarily closed hotels to service and one that does not; each scenario assumes the construction of all hotels in the "pipeline". Total unmet demand for hotel rooms by the build year is then calculated as the difference between estimated market demand, and each of the two scenarios, creating an estimated range of the number of additional hotel rooms that might be constructed by the build year. However, this estimated range fails to take into account the likelihood that some additional hotels will be closed, redeveloped or converted to other uses between the current time and the build year, necessitating the construction of additional hotel rooms beyond the number estimated to meet market demand. (Kober)**

Response: The number of closed hotel rooms is based on the best available information from industry analysts. DCP will continue to monitor the status of hotel closures and will update assumptions between the DEIS and FEIS. As of March 2021, there was a hotel room inventory of approximately 90,470 rooms, with 38,100 rooms temporarily or permanently closed due to the Covid-19 pandemic, and approximately 780 new hotel rooms across 5 new hotels that opened between September 2020 and March 2021. The DEIS will use the

assumption that only 75% of the January 2020 supply (95,860 hotel rooms) will be on the market in 2025. Therefore, it is conservatively assumed that only 5,390 rooms more than are currently open will be open in 2025, accounting for potential new closures. The FSOW was updated to reflect this additional detail.

- C.22 Many more hotels may close or convert to other uses; therefore, it is likely that there will be a shortage of many more than the 60,000 rooms that have been identified. (Coffin)**

Response: See Response to C.21. The Consultant Report will be updated between publication of the Draft EIS and the Final EIS to reflect as current data as possible relative to hotel closures.

- C.23 The analysis discounts the impact of COVID-19 on pipeline hotels and assumes that all of the pipeline hotels will be completed and open; this may or may not be the case and it is likely that there will be a shortage of many more than the 60,000 rooms that have been identified. (Coffin)**

Response: The Final Scope of Work assumes a scenario in which New York City has only 75% of the hotel supply that it had prior to the Covid-19 Pandemic (January 2020). The DEIS does not assume that all hotel rooms in the pipeline will vest and assumes a limited number of hotels will pursue the hotel special permit. These assumptions are based on an analysis of historic trends of typical development time frames and land use actions including new hotels. The DEIS will include an updated analysis of the pipeline to estimate the number of hotel rooms that would be able to vest given their activity and permit status with DOB and the vesting provisions proposed as part of the text. The FSOW was updated to reflect this additional detail.

- C.24 The “Future with the Proposed Action” section of the Scope of Work needs to take into account actual experience of the existing hotel special permits and knowledge of the underlying economic and political context. It is reasonable to assume that only a small fraction, at best, of the gap between the existing hotel room supply, plus that part of the pipeline allowed to vest, and market demand in the build year will be fulfilled. (Eric Kober)**

Response: The DEIS does not assume that all hotel rooms in the pipeline will vest and assumes a limited number of hotels will pursue the hotel special permit. These assumptions are based on an analysis of historic trends of typical development time frames and land use actions including new hotels. The Proposed Action would allow substantial modifications to vested applications to allow developers to modify plans in response to changing market conditions. The FSOW was updated to reflect this additional detail. The DEIS will consider the any potential gap between future hotel supply and market demand.

- C.25 Given that the special permit in the M1 zones has produced no new hotels, the Reasonable Worst-Case Development Scenario should be set either at zero or a negative number in order to adjust for hotel loss during this period. (Regional Plan Association, Partnership for New York City)**

Response: In the past decade, approximately 4,210 hotel rooms have been facilitated through land use applications at DCP, and it is assumed that in the future with the Proposed Action, the equivalent number of rooms will apply for and receive the new special permit between 2025 and 2035. The FSOW was updated to reflect this additional detail. It is too soon to assess the effects of the M1 Hotel Special Permit given that it was enacted only in December of 2018 and the pandemic has drastically affected the market for new hotels.

- C.26 EIS must address the State’s proposal to permit conversion of commercial properties and hotels to residential use in Commercial Districts. In Governor Cuomo’s January 11, 2021 State of the State Address⁵, the Governor proposed to repurpose underutilized commercial space for additional housing. The State will propose legislation to create a five-year period during which property owners may convert office buildings and hotels in New York City to residential use. DCP must contact the State to secure information and analyze the intent and scope of such a proposal as part of the DEIS. (MCB4) The City has yet to see how the current supply of hotel rooms will be affected by the commercial conversion legislation introduced by the Governor. (Coffin, Selver)**

Response: In January 2021, Governor Cuomo introduced a Proposed Commercial Conversion Initiative, which consists of a proposed amendment to the New York State Multiple Dwelling Law (MDL) that would allow zoning flexibility to address high commercial vacancy rates and underutilized hotel properties in specific areas in New York City. Senators Gianaris also introduced a bill that would allow the state to buy distressed properties and convert them for low-income housing in March. The Fiscal Year 2022 budget included \$100 million for adaptive reuse of commercial and hotel properties located in New York City to create permanent affordable housing under the Adaptive Reuse Affordable Housing Program.⁶ It is not expected that this program would change the RWCDs as provided in the FSOW, which makes conservative assumptions about hotel supply as discussed under the response to C.21 above. The Adaptive Reuse Affordable Housing Program will be addressed in the DEIS Land Use, Zoning, and Public Policy section.

- C.27 The Draft Scope should include an analysis of the current real estate information regarding both hotel closure, foreclosure, and withdrawal of certain chains from the market as a result of COVID-19 and the severely reduced occupancy rates. (MCB4)**

Response: DCP engaged a socioeconomics consultant team to produce a market analysis of the City’s hotel conditions in the past, current, and future context, which is available on the DCP website.⁷ This report will be updated between publication of the DEIS and FEIS. Updated information on hotels closures and reopenings will be incorporated into the DEIS.

- C.28 The EIS must fully disclose the adverse impacts that may result if no mechanism is identified that will allow projects begun under long-standing zoning regulations, which have involved substantial commitments of financial resources and time, to proceed notwithstanding changes to those regulations. (Goldman Harris)**

Response: The proposal set forth by the Department of City Planning includes provisions intended to allow for vesting of applications filed with the Department of Buildings subject to a zoning plan approval with the Department of Buildings. Further impacts on the industry will be addressed in Chapter 3, Socioeconomic Conditions.

- C.29 In the Future With the Proposed Action section of the DSOW, it is stated: “The effects of the Proposed Action, and whether it would result in hotels not being constructed, thereby resulting in unmet room demand, will be evaluated in the EIS.” The DSOW thus leaves ambiguous DCP’s view of the effects of its own proposal and provides no clarity on how this question will be answered in the final scope of work or the Draft EIS. (Kober)**

⁵ Governor Cuomo Outlines 2021 Agenda: Reimagine | Rebuild | Renew, January 11, 2021

⁶ <https://www.budget.ny.gov/pubs/press/2021/fy22-enacted-budget-highlights.html>

⁷ <https://www1.nyc.gov/assets/planning/download/pdf/plans-studies/citywide-hotel/nyc-hotel-market-analysis.pdf>

Response: The Final Scope of Work has been revised to address these effects.

Land Use, Zoning, and Public Policy

- C.30 The state and city are currently exploring creating additional and smaller business districts and residential opportunities to create more live-work-play neighborhoods. The EIS should examine how this proposal complements or undercuts that public policy goal. (REBNY) Resulting land use implications must be analyzed, as well as conflicts with city and state economic policies based on the magnitude of the projected hotel shortfall of over 60,000 hotel rooms by 2035. (Barth)**

Response: The Proposed Action's consistency with relevant public programs and policies will be assessed in the Land Use, Zoning, and Public policy chapter of the DEIS.

- C.31 If fewer hotels are developed, the EIS should consider whether other uses will be developed in their place, and what will be the impact from increased development of residences or offices – whatever is built instead of the hotels - on open space, transportation, community facilities and other neighborhood infrastructure. (REBNY)**

Response: An analysis of potential future development on sites that may have otherwise been developed as hotels, absent the Proposed Action, would be speculative; the DEIS will not provide analysis of any developments that could occur on an as-of-right basis under future No-Action conditions. Any future developments that would seek discretionary actions in the future would be subject to their own discretionary review and approvals process.

Socioeconomic Conditions

- C.32 The Draft Scope of Work does not describe in any meaningful detail what the socio-economics analysis will study, and how in particular. It does not recognize that the effects of this unmet demand for hotel rooms will likely adversely affect not just the hotel industry, but also the large number of businesses that make up the tourism and hospitality sector, including restaurants, theaters, cultural institutions, and others. The ripple effects that the proposal would have on these businesses and the employment and tax revenue they provide are likely to be significant and must be studied. If it is not, the EIS will vastly understate the potential adverse effects of the text amendment. (Karnovsky)**

Response: The DEIS Socioeconomic Conditions analysis on effects to specific industries will analyze effects on the hotel industry as well as secondary industries that are linked through tourist spending. The FSOW was updated to reflect this additional detail.

- C.33 A robust economic analysis and examination of cross-purposes policy goals will reinforce that there can be no reasonable findings for such a permit. (REBNY)**

Response: The Socioeconomic Conditions chapter of the DEIS will provided an assessment of the impacts on a specific industry and the Land Use, Zoning and Public Policy chapter of the DEIS will assess consistency with relevant public programs and policies. The findings will address the purpose and need and will be revised by the City Planning Commission and City Council as appropriate.

- C.34 This proposal will reduce the City's future sales tax, and this must be studied. (Carlos, Eddie Hidary, REBNY, Selver)**

Response: The DEIS Socioeconomic Conditions analysis will consider the effect on future economic output as an indicator of potential impacts on specific industries. Assessment of direct fiscal or economic impacts is outside the scope of CEQR.

- C.35 This proposal will reduce mortgage recording and transfer taxes, and this must be studied. (Carlos, Eddie Hidary, Kane, REBNY, Selver)**

Response: Assessment of fiscal or economic impacts is outside the scope of CEQR. Further, it is not possible to assess the impacts to mortgage recording and transfer taxes when the location and characteristics of the development are unknown, and the parcel could be developed with an as-of-right use generating tax revenues.

- C.36 This proposal will reduce hotel occupancy tax, and this must be studied. (Carlos, Eddie Hidary, Kane, REBNY, Selver)**

Response: See response to Comment C.34

- C.37 This proposal will reduce property tax revenues, and this must be studied. (Carlos, Eddie Hidary, Kane, REBNY, Selver)**

Response: See response to comment C.35

- C.38 Jobs will be lost as a result of this proposal, and this must be studied. (Barth, Carlos, Eddie Hidary, REBNY, Selver)**

Response: The DEIS Socioeconomic Conditions analysis will consider the effect on future economic output, including potential changes in hotel and tourism-related employment, as an indicator of potential impacts on specific industries. The FSOW was updated to reflect this additional detail. In accordance with CEQR the EIS will not assess purely economic impacts.

- C.39 The EIS must consider indirect losses to the city's economy as a result of the Proposed Action and its effects on those businesses that are dependent upon the flow of tourists, visitors and business travelers that patronize hotels.**

This proposal will have a major impact on Broadway, and this must be studied.

This proposal will have a major effect on restaurants, and this must be studied.

This proposal will have a major impact on cultural and arts attractions, and this must be studied.

This proposal will have a major impact on retail stores and businesses that rely on people traveling to the City and bringing their money to be spend in our communities, and this impact must be studied.

The effect on these should also be considered.

This analysis must be inclusive of the effects on employment and tax revenues. (Barth, Coffin, Eddie Hidary, Kober, REBNY, Regional Plan Association, Rosenthal, Selver)

Response: The DEIS Socioeconomic Conditions analysis on effects to specific industries will analyze effects on the hotel industry as well as secondary industries that are linked

through visitor spending, as appropriate. The FSOW was updated to reflect this additional detail. In accordance with CEQR the EIS will not assess purely economic impacts.

- C.40 Hotels employ a good number of workers, and this proposal will affect these jobs. This will result in a serious economic impact that must be analyzed. (Eddie Hidary, Hidrock Properties, Regional Plan Association)**

Response: See response to C.39

- C.41 The development of new hotels creates a good number of construction jobs, which will not be realized if this proposal is approved. The loss of construction jobs should be analyzed. (Eddie Hidary, Hidrock Properties) The EIS should assess the impacts of future unemployment (both in the construction trades and in the hospitality and allied industries) attributable to the absence of new hotel construction. (REBNY, Regional Plan Association)**

Response: The Proposed Action will affect the future development of hotels on unknown sites. It is not possible to assess the impacts to construction jobs when the location and characteristics of the development are unknown, and the parcel could be developed with an as-of-right use, generating construction jobs.

- C.42 DCP's proposed citywide hotel text amendment will limit hotel development and the industry's ability to meet the needs of future tourist demand. (Partnership for New York City, Schwartzman) This proposal will deprive people of the chance to visit and experience New York, and they do not get a voice in this proposal. (Heckle) Advocates for this bill are discouraging future tourism. (Kane), This proposal will prevent people from traveling to the city at a time when we hopefully be recovering from a pandemic. (Coffin)**

Response: The DEIS Socioeconomic Conditions analysis on effects to specific industries will analyze the unmet demand for hotel rooms and the potential future loss of tourists or shift of tourists to other markets. The FSOW was updated to reflect this additional detail.

- C.43 The EIS should study both the likely number of visitors and the likely economic profile of visitors versus the likely number and economic profile of visitors in a No-Action scenario. (Regional Plan Association) The loss of hotel units, along with the increased costs of hotel development, will result in higher rates for the rooms that remain. This skewing to higher rates—and who will be excluded from the City as a result—will also have socioeconomic impacts that should be reviewed. (Barth, Daniel Cohen, REBNY, Regional Plan Association, Rosenthal)**

Response: The DEIS will include an analysis of visitors under the No-Action and With-Action conditions and described the spending conditions under both scenarios. The FSOW was updated to reflect this additional detail. However, these will be aggregated across visitors, and an analysis of the economic profile of the visitors is out of scope.

- C.44 Hotels support businesses and office uses that rely on conference and meeting spaces in hotels as well as the accommodations needed for national or international travel to central offices in New York City. The shortage of hotel space will affect the City's competitiveness in this area. It is critical that these impacts be analyzed and the results. What are the consequences on an international City, including on its workers, businesses, offices, and non-profit institutions, of putting up special permit walls for all new hotels everywhere? (Rosenthal)**

Response: The Socioeconomic Conditions analysis will consider potential impacts on the hotel and tourism industries. The Proposed Action, as stated in the FSOW, would extend discontinuance provisions until after the projected recovery timeline to allow closed hotels, including hotels with meeting space, to reopen when demand recovers.

- C.45 The proposed action will result in sites that are primed to be developed with projects that include hotels laying fallow and the loss to the city of investments vital to the recovery. (Goldman Harris)**

Response: Comment noted. In the future with the Proposed Action, while new hotel use in the Area of Applicability would require a special permit, zoning would still permit a range of uses for projects that could be constructed on an as-of-right basis.

- C.46 Because of the unusual circumstances in which this amendment is being proposed, it is important in the analysis of effects on socioeconomic conditions to go beyond the guidelines of the *CEQR Technical Manual* and consider the underlying intent of the Environmental Conservation Law, which defines the “environment” as including “existing patterns of population concentration, distribution, or growth”. The DSOW states: “A significant adverse impact may occur if it is determined that the Proposed Action would affect operating conditions for certain categories of business by substantially impairing the ability of a specific industry or category of business to continue operating within the City.” This is an inadequate standard for considering the socioeconomic effects of the proposed action. By capping the supply of hotel rooms, the proposed action will make the remaining hotels more profitable than they would be otherwise. So the stated threshold of significance will not be met. (Kober)**

Response: The supply of hotel rooms may be affected by the Proposed Action, since seeking a special permit can lead to increases in timeline and cost of a project, but the supply of rooms in the city will not be capped. The FSOW was updated to reflect this additional detail. The Socioeconomic Conditions assessment will compare the future of the hotel and tourism industries with a hotel special permit requirement to the future of those industries without a hotel special permit requirement and estimate the future loss of visitation and related spending due to a projected shortfall in 2035 hotel rooms. The determination of significance will consider the CEQR TM guidance and be based on the proposed action’s anticipated effects on the hotel and tourism industries.

- C.47 The EIS must analyze the potential impact on the housing market, supply of housing, and especially affordable housing, and the potential for residential displacement, as a result of tourists staying in AirBnBs rather than hotels. (Partnership for New York City, Regional Plan Association, REBNY, Selver) This proposal will only help Airbnb hosts, as it would inevitably push more tourists to Airbnb’s. (Carlos) The EIS should consider whether adoption of this proposal would fuel an informal hotel market to meet demand for transient occupancy and effectively remove residential units from the housing market by encouraging their use for short-term stays. It is often said that CEQR does not consider illegal activity; however, this is an entirely predictable result of the action and should be evaluated. (REBNY, Partnership for New York City)**

Response: The DEIS Socioeconomic Conditions analysis on effects to specific industries will analyze the unmet demand for hotel rooms and the potential future loss of tourists and the potential shift of tourists away from hotel stays to AirBnBs or friends and family. The FSOW was updated to reflect this additional detail. While the DEIS will include this estimate, an analysis of how this shift would affect the housing market, including the supply of affordable housing, would be speculative and will not be addressed in the DEIS.

- C.48 The proposed text amendment would discourage investment in new hotels. This will lead to less hotel availability and increase the cost of existing hotel rooms, which would negatively affect not only tourists but also those who rely on affordable hotels for temporary housing—such as the homeless, potential new residents, abuse victims, and the recently divorced. Without new hotels being built, hotel developers will turn to converting existing housing stock for this purpose, further exacerbating the affordable housing shortage, and making the city’s crackdown on AirBnB ineffective. (Schwartzberg)**

Response: See response to Comment C.47.

- C.49 This proposal will not help increase the compensation of existing united hotel workers nor will it help any non-union hotel workers or workers who want to work in new hotels. It will not help construction workers unionize, nor will it otherwise help affordable housing nonprofits who would like to take advantage of a historic opportunity to convert hotels into important, deeply affordable housing. (Carlos)**

Response: Zoning is based upon land use considerations, not the level of unionization. The proposal addresses only the potential land use and planning concerns associated with new hotel development and cannot address labor practices.

Neighborhood Character

- C.50 The DSOW does not take sufficient account of the impact of the legislation on Neighborhood Character. (Selver)**

Response: The *CEQR Technical Manual* defines neighborhood character as an amalgam of the various elements that give neighborhoods their distinct personality. These elements can include land use, socioeconomic conditions, open space, historic and cultural resources, urban design and visual resources, shadows, transportation, and noise, but not all of these elements contribute to neighborhood character in all cases. For neighborhood character, CEQR considers how those elements combine to create the context and feeling of a neighborhood, and how an action would affect that context.

The DEIS will consider the Proposed Action’s potential to affect neighborhood character based on the conclusions of land use, zoning, and public policy as well as socioeconomic conditions analyses. Methodologies outlined in the *CEQR Technical Manual* will be used to guide the assessment of neighborhood character.

Mitigation / Alternatives

- C.51 The vagueness of the Purpose and Need section makes comment on reasonable alternatives to the proposed action impossible. Some potential reasonable alternatives would include limiting the special permit to the specific situations that have been documented to have the potential to create environmental impacts, or to institute specific regulations in zoning or the Administrative Code that address these issues without the need for a special permit review. (Kober)**

Response: The FSOW includes two alternatives, the No Action Alternative, as is required by the *CEQR Technical Manual*, and a Non-Recovery Alternative, that assesses the future without the proposed Recovery Provisions. The FSOW was updated to reflect this additional detail. If significant adverse impacts are identified, mitigation to the Proposed Action will be addressed in the Mitigation chapter of the DEIS.

- C.52 The DSOW should identify alternatives that mitigate or avoid the legislation’s many adverse impacts. The DSOW mentions mitigation measures and alternatives only in passing – commenting only about possible “zoning mechanisms to limit the effect of reductions in supply” of hotel rooms. The failure to address specific alternatives will inevitably push discussion about them to the end of the environmental and public review process. This is an unacceptable result. (Selver)**

Response: Comment Noted. See response to comment C.51.

- C.53 We respectfully request that this citywide hotel special permit requirement not be made effective until at least 2 years after the text amendment is approved by City Council. (Eddie Hidary)**

Response: Comment noted.

- C.54 If allowed to move forward as-of-right under current zoning, our two planned hotel projects alone would create around 850 construction jobs and over 110 permanent jobs, not to mention the secondary employment and spinoff economic activity those jobs would support. As such, for the purposes of your environmental analysis, we ask that you take these serious economic impacts into consideration and exclude properties meeting the known criteria. (Eddie Hidary, Hidrock Properties)**

Response: The Proposed Action includes vesting provisions that will allow hotels with active applications in the DOB pipeline on the date of referral to vest provided that zoning plans are approved by adoption (see FSOW). It will also exclude certain projects seeking approvals with the City. The FSOW was updated to reflect this additional detail. The DEIS will analyze the effects of the Proposed Action on specific industries but analyzing project specific economic impacts is outside the scope of CEQR.

- C.55 The mitigation and alternatives study should be required to include an assessment of deferring a special permit requirement until the City’s economy has recovered from the impacts of the pandemic and when visitation and hotel demand recovers. (Selver, MCB4)**

Response: The Proposed Action set forth by the Department of City Planning includes provisions intended to offset the impacts of the pandemic on hotel room inventory and return this inventory to a 2019 baseline, a point in time when the citywide hotel special permit was first proposed. As stated in the FSOW, where the EIS identifies significant adverse impacts, measures will be identified to mitigate those impacts in accordance with the requirements of CEQR. In addition, alternatives will be considered and included in the EIS if found to be practicable to reduce or eliminated the identified impacts and considering the purpose of the action.

- C.56 The mitigation and alternatives analyses should be required to include an assessment of limiting the special permit to hotels larger than a certain size. (Selver)**

Response: The Proposed Action is intended to address the rapid development of hotels and their potential to create conflicts with adjacent uses or affect the future development of the surrounding area. Much of the recent hotel development has occurred in smaller hotels. Limiting the proposed action to larger hotels would not address the purpose and need.

- C.57 The mitigation and alternatives analyses should be required to include an assessment of alternative vesting provisions, provisions that are needed so that hotel projects that are under construction, known projects in the pipeline (such as 1) those which**

already have a foundation permit, 2) those which submitted plans to the Department of Buildings before the date the text amendment was approved by DCP, and 3) those located in commercial business districts and other sensitive areas of the city with special and unique tourist attractions such as Lower Manhattan), or now in the midst of a multi-year assemblage process will not be required to seek the special permit. (Selver, Goldman Harris, Eddie Hidary, Arpit Patel, Hemal Patel) More liberal vesting provisions must be considered. (Barth) The draft scope discloses that the proposal has the potential to hold the production of approximately 30,000 units currently in the development pipeline but is silent regarding measures that can be taken to avoid this result. The mere announcement of this proposal has created confusion and uncertainty among property owners about whether they can continue to proceed with the planned development of hotel space in the coming months. The city should work to solve this issue now before more damage is done. Vesting should not be treated as an issue to be addressed only at the tail end of the land use review process. That is simply too late. The effects of the proposal on the current pipeline can and should be addressed now by including special vesting provisions in the proposal. (Karnovsky)

Response: Under the Proposed Action, hotel projects in the development process with a filed DOB application by the date of referral and DOB zoning plan approval by the date of adoption would be vested under current zoning until six years from the date of adoption. Applications for hotels filed at DOB prior to 2018 must also obtain a foundation permit by the date of adoption. Projects and land use actions supporting hotel development approved by DCP or BSA after January 1, 2018 or that have filed with BSA or been by the CPC before the date of adoption would be excluded from the Proposed Action until six years from the date of adoption. The FSOW was updated to reflect this additional detail.

- C.58 The mitigation and alternatives analyses should be required to include an assessment of excluding certain geographic areas (including Times Square, Downtown Brooklyn, Lower Manhattan, the Special Flushing Waterfront District (SFWD), the Slaughterhouse Rezoning Area) from the special permit requirement. Geographic exclusions must be considered. (Barth, Downtown Brooklyn Partnership, Moskowitz, Orrantia, Selver)**

Response: Projects and land use actions supporting hotel development approved by DCP or BSA after January 1, 2018 or that have filed with BSA or been certified or by the CPC before the date of adoption would be excluded from the Proposed Action until six years from the date of adoption. The FSOW was updated to reflect this additional detail.

- C.59 An alternative should be studied that expands the proposed action to require a special permit for public purpose hotels. DCP stated that it will evaluate whether Use Group 5 transient uses that are operated for a public purpose, such as those that do not operate as commercial hotels like emergency shelters and certain types of for-profit supportive housing, should be excluded from the proposal. MCB4 disagrees and requests the siting of such hotels be analyzed in the DEIS and included in the proposed special permit regulations. Conversions of hotels to affordable housing or shelter use should not be opportunistic simply because the buildings exist. Instead, given the degree of concentration of such budget hotels in MCB4, DCP along with MCB4, should develop a careful and considered plan for the repurposing of such properties. The Draft Scope should include a study and analysis of such a plan. (MCB4)**

Response: The Department of City Planning will exclude Use Group 5 transient uses operated for a public purpose. As explained in the EIS, while transient hotels operated to house homeless individuals will continue to be permitted as-of-right as they are today, this proposal is intended to address land use concerns associated with new commercial hotels and is neutral with regard to current policies for siting shelters. It is a legal obligation of the City to shelter anyone who needs housing in the five boroughs, which requires retaining the existing flexibility in zoning that permits temporary housing for the homeless in all C, MX, and M1/R districts. The proposed text amendment is designed to place controls on the location of hotels for visitors and not hotels used exclusively to shelter homeless individuals. (As described in "Turning the Tide on Homelessness in New York City," the City aims to end the use of all cluster sites and commercial hotel facilities citywide that are currently used to house the homeless by opening a number of new, more effective traditional shelters.)

- C.60 While Hotels are being reviewed, I ask that you consider either legalizing Bed and Breakfasts or establishing a category of smaller hotels which would be viewed differently than larger hotels. For example, a bed and breakfast or guest house with < 5-10 rooms, can and should be considered a different entity than a 250-room hotel and should be subject to different zoning regulations and application processes. (Cory Kantin)**

Response: Bed and breakfasts present land use concerns related to allowing commercial uses in residential buildings and would be outside the scope and purpose of the Proposed Action.

- C.61 This proposal is not at all consistent with an idea of planning, it is anti-planning, it abandons the concept of as-of-right development, which has served as the only steam valve for this city that has otherwise been incredibly politically anti-development. Not only does this proposal cast a shadow on development in general, it also has a shadow of political corruption, as people have talked about before. And what about safety equity in the environment? Well, safety is mostly talked about in terms of the prohibition that the state and the city have pursued against drugs and sex work. Those risks can be mitigated by decriminalization, not by banning hotels. Equity would best be served not by pursuing this proposal, which will create an increasingly exclusive and luxury class of grandfathered hotels. (Schwartzberg)**

Response: Comment noted.

- C.62 The environment is best served by having New York City welcoming development, because living in New York City uses a fraction of the carbon resources that living outside of it does, and we should stay a welcoming place. (Schwartzberg)**

Response: Comment noted.

- C.63 I strongly urge the department to limit the number of hotels that would be "grandfathered" and exempted from the special permit requirement. (Richards)**

Response: Comment noted.

Appendix B: Written Comments



February 1, 2021

Olga Abinader
Director
Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271-3100

Re: Draft Scope of Work Comments

Dear Director Abinader:

I am writing in response to the proposed scope of work for the Draft Environmental Impact Statement (DEIS) for the Citywide Hotel Text Amendment. The intended analysis for the Citywide Hotel Text Amendment represents an opportunity for collaboration between the City of New York, local elected officials, and business and community members to take a broad, comprehensive look at ways to best address the hotel industry and its related synergy with establishments that are benefitting from those tourists that are accommodated for overnight stays, as well as impacts associated with hotel placements.

Hotel placements have evolved well beyond traditional areas of tourism and the city's central business districts. Elected officials and members of the public voiced a range of quality-of-life concerns at the January 22nd public scoping session, as some hotels are located in commercial districts that contain conforming residential development, which likely existed prior to the hotels' development. As a result, reported impacts regarding subsequent pedestrian safety and altered streetscapes, inclusive of traffic congestion, but including areas of over-saturation, were shared. Members of Brooklyn's community boards frequently convey similar quality-of-life concerns to my staff. For example, we have occasionally heard of hotels in Bay Ridge, East New York, and Sunset Park that have become hotbeds of criminal activity, sex trafficking, and other quality-of-life issues. It was also represented that such hotel development has removed the usability of property that would otherwise be available to promote opportunities for new housing at a time when affordable housing is urgently needed.

Other concerns were expressed regarding how the as-of-right status has supported the economic engine of jobs in sectors that have synergy with tourists. It was expressed that the economic benefits range from direct and indirect sales, as well as property and sales taxes. Examples were provided regarding those in the arts as well as cultural institutions, restaurants, and a range of tourism-focused entities.

While it was represented that proceeding through discretionary public review to confirm siting appropriateness might deter investors from taking risks for a venture that might no longer be economically justified after rooms come on the market, it was noted that such process would provide opportunities to secure community benefit agreements toward ensuring the optimal outcome.

I have no formal comments on the Draft Scope of Work. However, given the wide range of opinions, the resulting DEIS and related pending draft zoning text amendment should be prepared in a timely manner. This would facilitate the allowance for discourse at the 59 community boards as well as each borough board and borough president, the City Planning Commission (CPC) and City Council, with members of the business and residential communities having the opportunity to weigh in.

Should you have any questions, please feel free to contact Richard Bearak, my director of land use, at (718) 802-4057 or rbearak@brooklynbp.nyc.gov.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Eric L. Adams".

Eric Adams
Brooklyn Borough President

cc: Brooklyn Borough Board Members
Winston Von Engel, Brooklyn office director, New York City Department of City Planning

EA/rb



Community Board Ten

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January 26, 2021

Olga Abinader
NYC Department of City Planning
Zoning Division
120 Broadway, 31st Floor
New York, NY 10271

Re: 21DCP111Y, Hotel Text Amendment

Dear Ms. Abinader:

At a duly publicized meeting of Community Board 10, Brooklyn, held on January 25, 2021 via Zoom, Members voted overwhelmingly to support the recommendation of the Zoning and Land Use Committee and to submit the Board's comments regarding the preliminary scoping in advance of the Hotel Text Amendment, 21DCP111Y. The Zoning and Land Use Committee Report is attached, for your information.

This support is consistent with Community Board 10's prior recommendation, submitted on June 26, 2018 during its review of N180349ZRY, M1 Hotel Text Amendment (see attached). Specifically, members of Community Board Ten asked the Department of City Planning to extend the special permit review to the commercial districts. Community input is vital when new hotel projects are proposed as such developments have a direct impact on the surrounding area.

In light of the above, Community Board 10 fully supports the Department of City Planning as it proceeds with its Hotel Text Amendment to establish a special permit for new and enlarged transient hotels in commercial, mixed use and paired M1/R districts.

Sincerely,

Josephine Beckmann/dg

JB:dg
Att.

Josephine Beckmann
District Manager

Cc: Council Member J. Brannan
R. Bearak

ZONING AND LAND USE COMMITTEE REPORT – JANUARY 25, 2021

The Zoning and Land Use Committee met in quorum via Zoom on Thursday, January 21, 2021.

The first item on the agenda was a review of the CB10 ZONING 101 GUIDE. Anish Pendharkar, a Columbia University graduate student was a Community Board 10 Fellow who worked on zoning issues. After the completion of his fellowship, he kept in contact with the Board and told us that he was interested in working on a simplified zoning guide tailored to Community Board 10. The official Zoning Handbook can be a bit overwhelming. A simplified handbook highlighting CB10 zoning issues is very helpful.

The committee was sent a copy of the guide in advance of the meeting and Anish did a presentation for the committee.

As you know, the Zoning and Land Use Committee is very detailed and demanding.

Anish's guide was met with enthusiastic support. We need to work with Anish to make some modifications. But the committee was grateful for his work.

It was suggested that the simplified guide be mandatory reading for all board members and that it be available to members of the community in any discussions of zoning issues. It offers a clear understanding of Zoning and will allow anyone interested to be more comfortable with zoning issues, terms and timelines.

After tonight's presentation and some modifications to the guide, we will discuss the guide further.

Thank you

The second item on the agenda was the Department of City Planning Hotel Text Amendment 21DCP111Y.

Currently hotels/transient housing is an as of right use in commercial districts. A hotel was proposed at 9114 Fifth Avenue. There was opposition to the hotel and as a result, CB10 approved a rezoning to the area. As Council Member Brannon said, and the board agreed, CB10 has many needs, but a need for hotel rooms is not one of them.

In June of 2018, Community Board 10 voted to approve an application to create a special permit for Hotel/Motel applications in an M1 district. At that time the City was concerned that areas in M1 zones were being lost to hotels and that there was a need to preserve much needed manufacturing areas.

When CB10 voted to support the special permit in M1 zones, they added that the Department of City Planning broaden the scope of the special permit so it is not limited to M1 areas, but is truly citywide and covers all manufacturing and commercial districts where hotels/motels can be built as of right.

During those discussions, there were concerns that if it became more difficult, more expensive to build hotels in M1 zones, there would be a push to site hotels in commercial zones. This has proven true and there has been citywide concern about the siting of hotels in commercial zones that are part of largely residential areas.

Thus, the Department of City Planning has proposed a citywide zoning text amendment to require hotels in commercial districts, like the commercial districts in CB10 to require a Special Permit. A Special Permit creates a Land Use process that requires community input.

During the committee's discussion it was stated that a Special Permit would allow community review of the bulk and size of the project, the environmental impact of the project, and impact on transportation and street use.

There was a concern that this would disallow hotels in these district. It would not disallow hotels, only subject the process to community review.

Two zoning districts, C3 and C7 are not included in the proposed amendment. These zones are in commercial waterfront areas and amusement park areas. CB10 has none of those.

The committee agreed that we should formally comment on the proposed amendment and to cite our June 2018 comments.

The committee voted to have DM Beckmann write a motion to support the text amendment and include the June 2018 comments. The motion was approved and seconded.

Thank you DM Beckmann, the committee does not often defer to others, but it was thought that you could prepare the most comprehensive motion.

The meeting was adjourned at 7:48PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Doris N. Cruz" followed by a stylized "ldg" or similar mark.

Doris N Cruz

On Friday, January 22, 2021 the Department of City Planning held a Public Scoping meeting on the Draft Environmental Impact Statement (CEQR No 21DCP111Y).

I attended the meeting but did not speak.

Several elected officials spoke, Council Members and Assembly Members including our Council Member, Justin Brannan. All spoke in support of the amendment.

Members of the public, residents like us, also spoke. They were from all five boroughs. They all discussed the negative impact hotels have had on their communities, from Williamsbridge in the Bronx, Inwood in Manhattan, Kew Gardens and Long Island City in Queens. Sunset Park and Sheepshead Bay in Brooklyn and Staten Island. One thing that surprised me was the use of these hotels for human trafficking. The drug use and other crimes were quite familiar to me, but the use of hotels anywhere,

but in mostly residential communities was extremely concerning. It was also noted by these residents that the commercial uses around hotels, supporting hotel guests are not the commercial uses that local residents need.

Those opposed to the amendment were mostly representatives of the real estate and hospitality industries. Their concern was that it would make siting of hotels more costly and more time consuming and that New York will need many more hotels to support tourism to recover from the impact of the COVID 19 pandemic. None of them discussed the impact that hotels in the outer boroughs or the usage of many of those hotels in the outer boroughs. One speaker from the Downtown Brooklyn Partnership spoke of the need for hotels in that area to support businesses and colleges in the area. She proposed that the Downtown Brooklyn Partnership District be excluded from the amendment. I thought that was an interesting suggestion.

I could go on, but I think that covers most of the issues.



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June 26, 2018

Ms. Beth Lebowitz
NYC Department of City Planning
Zoning Division
120 Broadway, 31st Floor
New York, NY 10271

Re: N180349 ZRY, Proposed M1 Hotel Text Amendment

Dear Ms. Lebowitz:

At a duly publicized meeting of Community Board 10, Brooklyn, held on June 18, 2018, Members voted overwhelmingly to support the recommendation of the Zoning and Land Use Committee as follows:
To approve the application to create a special permit for Hotel/Motel applications in an M1 District and to broaden the scope of the special permit so it is not limited to M1 areas, but is truly citywide and covers all manufacturing and commercial districts where hotels/motels presently can be built as-of-right.

The Zoning and Land Use Committee believes this measure is important because the addition of a hotel/motel anywhere in the city can trigger negative impacts to the area, especially when some of these hotels/motels are built in districts within close proximity to residential areas and other community resources. The Committee believes all hotels/motels should be examined on a case by case basis.

Thank you for the opportunity to comment on this application. If you have any questions regarding the response of Community Board 10, Brooklyn to the proposed M1 Hotel Text Amendment, please do not hesitate to contact me.

Sincerely,


Josephine Beckmann
District Manager

JB:dg

cc: CM J. Brannan
R. Bearak – Brooklyn Borough Hall

ERIC L. ADAMS, BOROUGH PRESIDENT

ZONING AND LAND USE COMMITTEE
Community Planning Board #10/Brooklyn
June 5, 2018

Introduction

The ZALUC Committee Meeting met at 7:00 on June 5, 2018 at the CB 10 District Office. We meet in quorum.

Topic #1: Renewal application for unenclosed sidewalk café with 7 tables and 14 chairs at Rocco's Brooklyn Baker Inc. d/b/a Pasticceria Rocco, 9402 4th Avenue , DCA Application #2037225-DCA

The applicants were present, and the location has no adverse history, no community complaints, and no 311 calls. The chairs and tables are located on the 94th Street side. The committee voted unanimously to approve the renewal as written.

Topic #2: Review of BSA Special Permit application #2018-67-BZ, 7406 5th Avenue

The application seeks to legalize a 266 sq. ft. enlargement at the rear of the first floor of the building contrary to the floor area regulations under section 73-621. The building has commercial on the 1st floor and residential area above. The present commercial tenant is the New Tang Dynasty Wellness Center.

The legal FAR of the location is 2.0, however the enlargement that pre-dates the present owner is 2.11. The owner bought the location in 1984 and only just recently learned that the premise was not in compliance. The special permit does nothing but all the existing non-compliance to become legal, it does not give owner ability to increase the present size.

The neighbors have no concerns or comments with the application and the adjacent neighbors have similar rear extensions.

The Committee asked the applicant if there was anything else that wasn't compliant and specifically questioned the AC units on top of the roof, and whether they were sufficiently distant from the residential rear wall. The applicant said they would check and get back to us. However as of today the applicant said they were still trying to confirm the information regarding the AC units.

The Committee passed a unanimous motion to approve the special permit pending review of the AC units compliance with the proper distance of the residential rear wall.

Topic #3: Review of DCP Presentation on M1 Hotel/Motel Special Permit

The amendment would create the need to obtain a special permit in order to build a hotel in a Manufacturing M1 District. The Special Permit would trigger a full ULURP process which would include Community Board review. Right now, hotels can be made

as of right in an M1 District. CB 10 doesn't have many M1 districts, and they are mostly located along the 62nd Street railroad corridor from 4th Avenue to Fort Hamilton Parkway.

The special permit will allow for the city to look at each hotel on a case by case basis to determine if there are any conflicts to building a hotel based upon the individual industrial location and surrounding manufacturing sites. In order to meet the special permit: (1) no conflicts with the area, (2) must meet a traffic, parking, and congestion threshold (3) must adhere to neighborhood character.

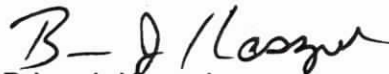
The Committee made a motion to approve the application to create a special permit for Hotel/Motel applications in an M1 District and to broaden the scope of the special permit so it's not limited to M1 areas, but is truly citywide and cover all Manufacturing and Commercial Districts where they presently can be built as-of-right. The Committee believes this increased measure is important because the addition of a Hotel/Motel anywhere in the city can trigger negative impacts to the area, especially when some of these Hotels/Motels are built in districts with close proximity to residential areas and other community resources. The Committee believes all Hotels/Motels should be examined on a case by case basis.

Topic #4: Continued discussion regarding filing an application to amend the Special Bay Ridge District to require a special permit for hotels/motels with the whole Special District

The District office has begun communication with the Department of City Planning on the process necessary to amend the Special Bay Ridge District. The District office and the Committee will continue to look into the process and may meet over the summer for working groups to begin researching and putting together necessary materials needed to support this application.

The Meeting was adjourned at 8:00PM

Respectfully Submitted:



Brian J. Kaszuba

Committee Chair Zoning and Land Use Committee

Committee Members Attending:

Josephine Beckman, DM

Brian Kaszuba, ZALUC Chair

Ann Falutico

Brian Kieran

Stephanie Mahaney

Susan Pulaski

Michael Devigne

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THE COUNCIL OF
THE CITY OF NEW YORK
JUSTIN BRANNAN
COUNCIL MEMBER
43RD DISTRICT, BROOKLYN

CHAIR
RESILIENCY AND WATERFRONTS

COMMITTEES
CONSUMER AFFAIRS AND BUSINESS
LICENSING
EDUCATION
FIRE AND EMERGENCY MANAGEMENT
PARKS AND RECREATION
PUBLIC SAFETY
YOUTH SERVICES

January 22, 2021

**Statement To NYC Department of City Planning in Support of Proposed
Citywide Text Amendment Requiring Special Permits for New Hotels**

I am writing to offer my full support for the proposed citywide hotel text amendment.

While the hotel industry is absolutely critical to our city, we are experiencing a citywide housing crisis unlike ever before, and it will only get worse after the pandemic. We have a very real need for housing, and only so much space to build it. Here in my district, the last two times that a hotel was planned as of right, the community was in total uproar – not only because of the impact that hotels can have on communities, but because there is nowhere near enough housing in the neighborhood, and residents were clear that if there is available space, first and foremost, affordable housing should be considered for it. To wit, my district needs many things but I’ve never had someone suggest to me that what we really need are more hotels.

A special permit requirement will give local residents, and their duly elected representatives, a stronger voice in not having to fight to ensure housing development is an option. At a time when we cannot house every single New Yorker, the idea that a hotel can be built as of right in certain areas but housing cannot, is completely insane. We are in a housing emergency, and so housing needs to be an option on the table for every free location in which a hotel is being considered, particularly at a time when tourism is at an all-time low and we are considering converting vacant commercial space to residential to meet this dire need.

If we are going to build more hotels, then we must give the community a real voice over the appropriateness of their development. A key consideration must be the impact that nuisance hotels have on our communities. In my district, over the past decade, there have been endless, well-documented problems caused by the notorious Prince Hotel. This hotel has brought drug use, prostitution, and violence to a quiet residential block in Bay Ridge. The very fact that this disruptive, nuisance hotel is flagrantly breaking zoning laws due to its location in a residential neighborhood is proof that hotels are often times an intense, problematic, and out-of-context type of development that should most certainly require input from the community and its elected officials prior to being built.

The proposed citywide hotel text amendment would ensure that hotels are consistent with the character of neighborhoods and would discourage as of right development of hotels without any consideration given to their overall impact on quality of life. In addition, it would enable us to steer hotel development in a manner that promotes the overall success, profitability, and recovery of the city's world-class hotel industry.

Although the full text of the amendment has yet to be released to the public, a review of the Draft Scope of Work shows that the Department of City Planning is taking a measured, thoughtful approach to the issues surrounding hotel development in our city. I commend them for what appears to be a great start to something that will be so critical to all stakeholders; from our neighbors to the city's entire hotel industry.

It is for all of these reasons that I lend my full support for special permits for hotels in New York City. It's about time that New Yorkers were given a say in a type of development that so profoundly effects their daily lives.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J Brannan". The signature is fluid and cursive, with the first letter "J" being large and stylized.

Justin Brannan
Councilmember, 43rd District

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JUSTIN BRANNAN
COUNCIL MEMBER
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It is for all of these reasons that I lend my full support for special permits for hotels in New York City. It's about time that New Yorkers were given a say in a type of development that so profoundly effects their daily lives.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J Brannan". The signature is fluid and cursive, with the first letter "J" being particularly large and stylized.

Justin Brannan
Councilmember, 43rd District

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THE COUNCIL OF
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MARGARET S. CHIN
COUNCIL MEMBER, 1ST DISTRICT, MANHATTAN

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STANDARDS AND ETHICS
YOUTH SERVICES
SANITATION AND SOLID WASTE MANAGEMENT
IMMIGRATION

February 1, 2021

Marisa Lago
Chair, New York City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: Citywide Hotel Text Amendment

Dear Ms. Lago:

I write to you to express my support to the proposed Citywide Hotel Text Amendment for the draft environmental impact statement, in particular to where hotels are allowed by special permit zoning districts.

My district contains many hotel facilities that fall within this category and all the hotels in my district were built as-of-right with no input from the community boards, elected officials or the public.

Furthermore, many hotels in my district have transitioned to or are transitioning to either shelters or temporary COVID reduction sites. And more are in the process of becoming converted or permanent sites in the future.

I have heard from hundreds of my constituents regarding noise compliant from rooftop bars along with lack of air and light access due to hotel height with very little space to adjacent buildings.

I look forward to continuing the conversation on this proposed zoning text amendment change. Should you have any additional questions, please reach out to my Chief of Staff, Gigi Li at (212) 788-7259 or gli@council.nyc.gov

Sincerely,

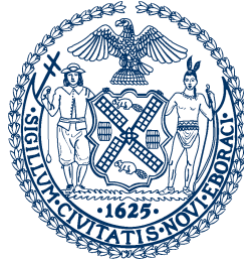
A handwritten signature in black ink that reads "Margaret S. Chin".

Margaret S. Chin
Council Member, District 1

BENJAMIN J. KALLOS
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January 22, 2021

Testimony in Support of the City Planning Commission's Proposed Citywide Hotel Text Amendment (CEQR No. 21DCP111Y)

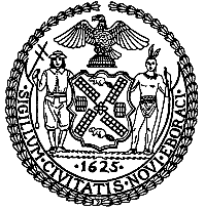
Thank you to City Planning Chair Lago and the members of the City Planning Commission for hearing the proposed citywide text amendment requiring special permits for new hotels. I stand as a City Council member in **support** of this Citywide Hotel Text Amendment with the goal of creating a consistent framework for hotel development and ensuring new hotels are established on appropriate sites.

Hotels have a significant impact on the communities where they are sited and with an expansion of over 54,000 hotel rooms since 2007, land use conflicts with adjacent use groups and residences have created nuisances for surrounding residents and businesses. In some instances, less centrally located hotels lack the infrastructure to ensure guests' safety. The proposed special permit discussed today would require all new hotels and other facilities for transient use to go through the city's Uniform Land Use Review Procedure (ULURP) as opposed to having as-of-right status. This would empower community residents and leaders with a public voice to weigh in against hotel over-development or to share how new hotels might impact their communities, either positively or negatively. Under the proposed change, residents could advocate for hotels that are consistent with the character of their neighborhoods and discourage the placement of new hotels on problematic sites.

Let's be a city poised for a sustainable future with new hotels and lodgings that are safe and have a positive impact on the neighborhoods in which they are built. Thank you to Chair Lago and the Commission for your thoughtful engagement and consideration of this proposal.

Sincerely,

Ben Kallos
Council Member, 5th District, Manhattan



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LOWELL D. KERN
Chair

JESSE R. BODINE
District Manager

February 1, 2021

Marisa Lago, Chair
New York City Planning Commission
120 Broadway
31st Floor
New York, NY 10271

Olga Abinader, Director
Environmental Assessment and Review Division, NYC Department of City Planning
120 Broadway
31st Floor

Re: CEQR 21DCP111Y Comments on the Draft Scope for the Citywide Hotel Text Amendment in Commercial Districts DEIS

Dear Chair Lago and Director Abinader,

On the recommendations of its Chelsea Land Use and Clinton/Hell's Kitchen Land Use Committees, Manhattan Community Board 4 (MCB4), at its regularly scheduled Executive Committee meeting on January 25, 2021 voted to recommend approval of comments on the Draft Scope for the Draft Environmental Impact Statement (DEIS) for an amendment to the Zoning Resolution establishing a City Planning Commission Special Permit requirement for new and enlarged transient hotels (Use Group 5), and motels, tourist cabins and boatels (Use Group 7). MCB4 supports the proposed Citywide Hotel Text Amendment with one exception: that public purpose hotels should also be required by a special permit and this action should be included in the Draft Scope. We also urge that the Department of City Planning (DCP) along with MCB4 should develop a careful and considered plan for the conversions of hotels to affordable housing or shelter use.¹

¹ MCB4's Executive Committee approved the letter so to submit comments before the City's February 1nd, 2021 deadline. The letter is subject to ratification at MCB4's Full Board meeting on Wednesday, February 3rd 2021.

Background

DCP is proposing a citywide zoning text amendment to establish a City Planning Commission special permit (“CPC special permit”) for new and enlarged transient hotels (Use Group 5), and motels, tourist cabins and boatels (Use Group 7). The new CPC special permit will replace existing special permits in Special Purpose Districts and require a CPC special permit citywide for new hotels and enlargements in commercial (C1, C2, C4, C5, C6, C8), Mixed Use districts (MX), and paired M1/R districts.

The proposed text amendment would apply the current findings and regulations for commercial hotels in M1 districts where a special permit was adopted in December 2018. The Proposed Action would also retain provisions adopted in the 2018 text amendment to exempt hotels in M1 district operated for a public purpose. The proposed zoning text amendment would affect every community district.

The proposed zoning text amendment aims to create a more consistent framework for hotel development citywide and to ensure that new hotels are established only on appropriate sites based on reasonable considerations regarding the hotel development’s impact on the future use and development of the surrounding area.

Analysis and Recommendations

MCB4 supports the efforts of DCP and believes that the proposed special permit is far better than the current situation where hotels in M1 districts are permitted as-of-right unless there are special restrictions in place. The Board supported the action from 2018 ULURP No. N 180349(A) ZRY to put in a special permit for M1 districts.²

The concentration of transient hotels in a small area is an additional, significant concern. The approximately five blocks comprising Subarea A-2 of the Special Garment Center District and Subareas D5 and E of the adjacent Special Hudson Yards District provide a cautionary example. In 2009 there were no hotel rooms in these areas. There now are 4,296 hotel rooms with an additional 2,306 rooms under construction or permitted by the Department of Buildings.

Under the proposed amendment, hotels can be built on areas zoned as commercial and manufacturing zones – including West 23rd, West 34th, West 42nd, West 57th Streets, portions of the Special West Chelsea District, zoned C6-2 and C6-4, portions of the Special Clinton Zoning District, zoned C6-2, and the Special Garment Center District between 8th and 9th Avenues, from 35th to 40th Streets, zoned C6-4M. In the past ten years, in areas of MCD4 with commercial zoning, there has been a high density of hotels built, without regard for the character or uses of the surrounding blocks (Appendix A). The proposed text amendment and the special permit requirement would extend the efforts of the 2018 rezoning for special permits for hotels in M1 districts, but we believe public purpose hotels should be included in the proposed text amendment.

² [DCP M1 Hotel Text Amendment](#) and [MCB4 2018 Letter Re: N180349 ZRY – Proposed M1 Hotel Text Amendment](#)

Comments on the Draft Scope for DEIS

Public Purpose Hotels

MCB4 requests that special permits for the conversion of hotels and commercial buildings to public purpose hotels and/or social service facilities such as temporary homeless shelters, be subject to public review, given the public safety issues that have resulted from such uses. Prior to the COVID-19 crisis, there were 1,010 homeless shelter beds and 1,302 homeless supportive housing apartment beds in Manhattan Community Board 4. Since May, the Department of Homeless Services has added another 1,830 shelter beds in the district. MCB4 requests the Draft Scope include an analysis of the impact of a special permit requirement for public purpose hotels, and if appropriate, to propose an Alternative. MCB4 has supported more than its fair share of social services. We ask that community review be required in such decisions and that they align with MCB4's Affordable Housing Plan.³

DCP stated that it will evaluate whether Use Group 5 transient uses that are operated for a public purpose, such as those that do not operate as commercial hotels like emergency shelters and certain types of for-profit supportive housing, should be excluded from the proposal. MCB4 disagrees and requests the siting of such hotels be analyzed in the DEIS and included in the proposed special permit regulations.

Conversions of hotels to affordable housing or shelter use should not be opportunistic simply because the buildings exist. Instead, given the degree of concentration of such budget hotels in MCD4, DCP along with MCB4, should develop a careful and considered plan for the repurposing of such properties. The Draft Scope should include a study and analysis of such a plan.

Hotel Closures Due to COVID-19

Because of the closure of many of the city's existing hotels due to the COVID-19 pandemic, DCP has stated in the Draft Scope that it will evaluate zoning mechanisms to limit the effect of reductions in supply when visitation and hotel demand recovers. The Draft Scope should include an analysis of the current real estate information regarding both hotel closure, foreclosure, and withdrawal of certain chains from the market as a result of COVID-19 and the severely reduced occupancy rates.

State Proposal to Permit Conversion of Commercial Properties and Hotels to Residential Use in Commercial Districts

In Governor Cuomo's January 11, 2021 State of the State Address⁴, the Governor proposed to repurpose underutilized commercial space for additional housing. The State will propose legislation to create a five-year period during which property owners may convert office buildings and hotels in New York City to residential use. This proposal is

³ [MCB4 Affordable Housing Plan, originally adopted in 2015 and revised annually through 2019](#)

⁴ [Governor Cuomo Outlines 2021 Agenda: Reimagine | Rebuild | Renew, January 11, 2021](#)

not yet detailed by the State. However, DCP must contact the State to secure information and analyze the intent and scope of such a proposal as part of the DEIS.

MCB4 supports the above comments regarding the Draft Scope for the Citywide Hotel Text Amendment DEIS. We are grateful to DCP for their work on this issue.

Sincerely,



Lowell D. Kern
Chair
Manhattan Community Board 4



Jean-Daniel Noland
Chair
Clinton/Hell's Kitchen Land Use Committee



Betty Mackintosh
Co-Chair
Chelsea Land Use Committee



Paul Devline
Co-Chair
Chelsea Land Use Committee

cc: Deputy Mayor Vicki Been, Deputy Mayor
Hon. Corey Johnson, Speaker, City Council
Hon. Scott Stringer, New York City Comptroller
Hon. Jumaane Williams, New York City Public Advocate
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Brad Hoylman, New York State Senate
Hon. Robert Jackson, New York State Senate
Hon. Richard Gottfried, New York State Assembly
Hon. Linda B. Rosenthal, New York State Assembly

Appendix

Appendix A. Map of Hotels on 34th to 43rd Streets Between 7th and 10th Avenues

Hotels on 35th-40th Streets Between 8th and 9th Aves



Data Source: Department of Finance (Jan 2020) & Google Maps
Map created by Savannah Wu for CHDC and CB4 (Jan 2021)



Testimony of City Council Member Brad Lander to the Department of City Planning's Scoping Hearing for a Citywide Text Amendment to Require a Special Permit for New Hotel Development

January 22, 2021

Thank you for this important scoping hearing, and for the opportunity to submit testimony in support of a Citywide Hotel Text Amendment. Hotel development presents a unique set of land use challenges for communities, quality-of-life, traffic, and our city's economy that merit special permit review in each case.

The Commission and City Council recognized this fact when we passed the [M1 Hotel Text Amendment](#). In manufacturing districts, we were rightly concerned that unfettered hotel development would cause conflicts with industrial uses, drive up prices in M-zones and thus eliminate manufacturing jobs, and diminish the space our city needs for its manufacturing, industrial, commercial, and institutional uses.

That was a good step forward. But unfettered, as-of-right hotel development presents conflicts in residential zones as well. In too many cases, when built without proper review, new hotels cause quality-of-life problems for nearby residents, create traffic problems, generate low-wage jobs and displace better-paying ones, and displace the opportunity for affordable housing. Requiring a special permit for new hotel construction would help communities, the hotels themselves, and our city as a whole.

Giving community members and elected officials a voice in hotel development would help ensure that steps have been taken to prevent potential quality-of-life problems from growing. Special permit review would also enable planning officials to address traffic issues that often pop up around new hotel sites, to make sure they are developed in a way that minimizes traffic congestion and insures pedestrian safety.

Adopting this new rule now will help to steer hotel developments in a way that promotes a successful long-term recovery for the city's hospitality industry, by establishing a model for future hotel development that fits into the communities where it is located.

Finally, special permit review would allow for consideration of how potential hotel development fits with our city's broader land use, planning, infrastructure, and economic goals. We are in urgent need of new development that creates good jobs, increases our affordable housing supply, and invests in sustainable infrastructure to help our city thrive amidst the challenges of climate change. Where new development helps to advance those goals, we welcome and encourage it. But where it could detract from those goals -- by displacing opportunities for housing construction, displacing good jobs, increasing traffic, or stressing infrastructure -- we must carefully review it. A special permit is an appropriate tool for doing so here.

Thank you for this opportunity.

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THE COUNCIL OF
THE CITY OF NEW YORK

MARK D. LEVINE

COUNCIL MEMBER, 7TH DISTRICT, MANHATTAN

CHAIR

HEALTH

CO-CHAIR

MANHATTAN DELEGATION

COMMITTEES

EDUCATION

HOSPITALS

PARKS & RECREATION

TRANSPORTATION

New York City Department of City Planning
120 Broadway, 31st Floor
New York NY 10271

As the Council Member representing the 7th District of Manhattan, I submit this testimony to the Department of City Planning in support of the proposed citywide text amendment requiring special permits to be issued for new hotels.

The 7th Council District--which is comprised of Washington Heights, Hamilton Heights, West Harlem, Morningside Heights and the Upper West Side--is one of Manhattan's most diverse districts and one that has faced the challenges of development amidst the struggle to preserve the character of long-standing neighborhoods. With rising rents, threats of displacement, and the constant need to balance new, responsible development while also protecting the needs of the community members and small businesses that reside there, we must pay close attention to significant changes being proposed within our communities.

As an elected official, requiring special permits for new hotels allows myself and other community leaders the opportunity to consider and assess the potential impact on the quality of life for constituents due to proposed new projects. It is also a means for us to assess the viability of projects and to support those that have the greatest merit. Special permits would also allow community members and leaders to have a voice in the new hotel development projects and would ensure that those that move forward are consistent with the character of the neighborhoods in which they would be located.

Finally, as Chair of the City Council's Health Committee, I have dedicated the past year to ensuring that the entire city emerges from the Covid-19 pandemic as strong and healthy as possible. Our economy has suffered tremendously, with the hotel industry

being perhaps one of the worst industries impacted by the pandemic. Requiring special permits for new hotel development would be a strong tool in ensuring responsible development that will also help the hotel industry as a whole to recover and to thrive in the years to come.

A handwritten signature in dark ink, appearing to read "Mark Levine". The script is cursive and fluid, with the first name "Mark" and last name "Levine" clearly distinguishable.

Mark Levine
Council Member, District 7



DONOVAN RICHARDS JR.
President

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PRESIDENT OF THE BOROUGH OF QUEENS
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**Statement by Queens Borough President Donovan Richards
Regarding the Citywide Hotel Text Amendment
City Planning Scoping Meeting
January 22, 2021**

I am writing to express my strong support for a citywide hotel text amendment requiring special permits for new hotels.

For too long, hotels have been built without any input from city officials or community members on what impact those facilities would have on our neighborhoods. As a result, there are far too many hotels operating today that threaten New Yorkers' quality of life, peace and well-being, and even their health and safety.

On January 1st, the Umbrella Hotel, located directly across the street from Queens Borough Hall, was the site of what was likely the city's first homicide of the year. Robert Williams, a young man from my own Queens neighborhood of Rosedale, lost his life to senseless gun violence at the hotel. Unfortunately, this was not a lone incident. The Umbrella Hotel has been a hotbed for crime and the subject for numerous community complaints, and many other hotels in Queens have forced our neighborhoods to put up with unwanted activity like crime, drugs, and prostitution for years.

This problem is made worse by the fact that developers continue to plan and build additional hotels with little or no community input. Without tools to implement basic oversight over hotel development, we will face a truly impossible task of responding to an ever-increasing number of problem hotels in our neighborhoods.

Luckily, it does not have to be this way. A special permit requirement will enable New York City communities to lend their voice to hotel development and allow my office to weigh in on any proposed hotels in Queens. The City Council will have a binding vote in regards to whether any proposed hotel would be permitted. This is a common sense and long overdue proposal. Under this requirement, hotel developers will understand from the start that their path towards approval will require their cooperation and collaboration with New York City residents and officials. It will enable city leaders to negotiate with developers to ensure that any new hotels will support the character of neighborhoods and uplift New York communities, rather than imposing hardships on them.

After a close read of Draft Scope of Work and a review of the Department of City Planning's approach to this text amendment, I would also like to offer my strong support for the manner in which the department is approaching this proposal. It is evident that the department is being thoughtful and careful about this important proposal. I look forward to reviewing the draft text, but in the meantime I strongly urge the department to limit the number of hotels that would be "grandfathered" and exempted from a special permit requirement.

During our city's recovery from the COVID-19 pandemic, it is more critical than ever that we rebuild in a smart and thoughtful manner. New hotel development must be conducted in a manner that rejuvenates our communities, supports our city residents, and helps attract tourists back to New York.

I am proud to support this proposal to requirement special permits for new hotels in New York City.

Sincerely,

Donovan Richards Jr.
Queens Borough President
120-55 Queens Boulevard
Kew Gardens, NY 11424

Fw: Special Permits

Laura Kenny (DCP) <LKenny@planning.nyc.gov>

Mon 2/1/2021 8:48 AM

To: Rachel Antelmi (DCP) <RAntelmi@planning.nyc.gov>

LAURA KENNY

Associate Project Manager, Waterfront Resiliency, Environmental Assessment and Review Division

NYC DEPT. OF CITY PLANNING

From: Riley, Kevin <kriley@council.nyc.gov>

Sent: Sunday, January 31, 2021 10:25 PM

To: 20DCP130R_DL <20DCP130R_DL@planning.nyc.gov>; Jones, Simone <SiJones@council.nyc.gov>

Subject: Special Permits

Good Day,

I am Council Member Kevin C. Riley. I represent New York City Council District 12th representing Wakefield, Olinville, Edenwald, Eastchester, Williamsbridge, Baychester, Co-op City. I do apologize for not having the opportunity to testify in person.

I am writing today to give my support to amending the special permit law that would provide operators with the opportunity to build hotels in our New York City communities. It is important that we take an extra step and speak to a variety of stakeholders when considering building a hotel in any particular New York City community.

Building hotels have a direct impact on the residents, small businesses, and the overall character of a neighborhood.

If the hotels aren't planned properly or they have a bad actor as an operator, these failures create problems that then become detrimental to the community in which the hotels in question operate.

Specifically, in District 12, our community is suffering from the mismanagement and failure to adequately plan out the construction and business plan of some of the existing hotels within our neighborhood. In November 2020, a 36-year woman was found stabbed to death inside the Holiday Motel, a motel notorious for having fatal incidents. In addition, hotels have facilitated a plethora of gang and sex trafficking activity. Hotels such as the 7 Days Hotel, Best Western Plus, and Pelham Garden, were all involved in a sex trafficking operation.

Requiring hotels to obtain special permits will allow community leaders, elected officials, and additional business stakeholders to have a say in the process. Of course this will not stop hotels from being built, but it will serve as the first step in ensuring transparency, accountability and the opportunity for communities to be aware and more inclusive in the process of the construction and operations of the hotels being built within our neighborhoods.

Best

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January 22, 2021

Olga Abinader
Director, Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: Citywide Hotel Text Amendment (CEQR No. 21DCP111Y)

Dear Olga:

On behalf of the Downtown Brooklyn Partnership, I am writing to share our comments on the draft scope of work for the preparation of a Draft Environmental Impact Statement (DEIS) for the Citywide Hotel Text Amendment. As stated in the scope, the proposed action would require a special permit for new and enlarged hotels in certain zoning districts that currently permit as-of-right hotel development, including Downtown Brooklyn. We request that this scope include an alternative that excludes the Downtown Brooklyn Special District from the Area of Applicability.

Downtown Brooklyn is New York City's third-largest central business district and the economic and civic center of the borough, serving a diverse range of users from residents and workers to shoppers and visitors. Over the past few decades, the neighborhood has grown into a mixed-use hub with 15,000+ residential units, 17M+ SF of commercial office space, and 2,500+ hotel keys along with retail businesses, schools, universities, and cultural venues. This existing context, bolstered by excellent transit connectivity, makes Downtown Brooklyn the ideal location for new hotel development. The proposed action conflicts with city and state economic policies, which call for supporting additional mixed-use growth at this location.

Furthermore, local hotels support corporate travel needs for the growing number of businesses located in the district. Firms such as JPMorgan Chase, Blue State, and National Grid require places for employees and clients to stay when visiting the city, and hotels within walking distance of their Downtown Brooklyn offices meet this demand.

Hotel development also complements the needs of Downtown Brooklyn's anchor academic and cultural institutions. The district is home to nearly a dozen higher education institutions that host scholars and industry partners from around the world. For example, New York University's 370 Jay Street includes incubator space, lab facilities, and a recording studio that attract a global audience of entrepreneurs and innovators. Venues in the Brooklyn Cultural District, such as the Brooklyn Academy of Music (BAM) and BRIC, require nearby lodging for visiting artists as well as tourists who travel to view performances.

Hotel uses are vital to supporting visitation, innovation, and commercial and cultural activity in Downtown Brooklyn and are in alignment with the character of the area and its central location.

We encourage you to revise the scope of work to include an alternative that excludes Downtown Brooklyn from the Area of Applicability for this proposal.

Sincerely,



Regina Myer

President
Downtown Brooklyn Partnership

CC: Marisa Lago, Chair, City Planning Commission
Anita Laremont, Executive Director, New York City Department of City Planning
Winston Von Engel, Director, Brooklyn Office, New York City Department of City Planning
Barry Dinerstein, Deputy Director, Housing and Economic Development, New York City
Department of City Planning



**Testimony of the Partnership for New York City
New York City Department of City Planning
Scoping Meeting on Citywide Hotel Text Amendment Proposal
(CEQR Number 21DCP111Y)**

January 22, 2021

Thank you for the opportunity to testify on the proposed citywide hotel text amendment. The Partnership for New York City represents private sector employers of more than one million New Yorkers. We work together with government, labor and the nonprofit sector to maintain the city's position as the preeminent global center of commerce, innovation and economic opportunity.

As we move towards widespread vaccination and increased economic activity, we know that tourism will play a significant role in the city's recovery. Prior to the COVID-19 pandemic, tourism generated \$70 billion in economic benefit for New York City annually. All parts of the sector, including hotels, have been devastated by the pandemic. Prior to the pandemic, hotels employed over 50,000 people. According to a recent survey of hotel operators, employment levels have dropped 82% since March 2020. Occupancy was just over 47% between January and November 2020, down nearly 45% from 2019, and 58% of the city's hotel rooms have been temporarily closed.

The city should do everything possible to capitalize on the substantial pent-up demand for travel from people across the globe who have been restricted to their homes or local areas since the beginning of the pandemic. This includes removing or suspending restrictions that hinder businesses' ability to operate. The Department of City Planning's (DCP) proposed citywide hotel text amendment does the opposite. It will limit hotel development and the industry's ability to meet the needs of future tourist demand. This has been demonstrated by other recent special permit requirements instituted by the city. For example, no special permit applications have been submitted for hotels in manufacturing districts since a special permit requirement for those areas was instituted in 2018. With the ability to develop legal hotels restricted, the city is likely to see demand met by illegal hotel rooms that do not comply with zoning, tax or labor laws.

DCP's proposal states that the purpose of the citywide hotel text amendment is to "create a more consistent framework for hotel development citywide" and that the framework "can support more predictable development" of hotels. DCP's proposed amendment would do the opposite by creating an even more individualized process than currently exists. Each new or expanded hotel would be subject to individual negotiation over various factors, including labor issues, that is inherent in the ULURP process particularly at the City Council stage. This is unlikely to achieve anything consistent in future hotel development, but preclude new hotels.

We hope DCP will choose to support the city's post-pandemic economic recovery by withdrawing this proposal.

The Real Estate Board of New York to The Department of City Planning Concerning a Draft Environmental Impact Statement for CEQR No. 21DCP111Y - Citywide Hotel Text Amendment

The Real Estate Board of New York (REBNY) is the City's leading real estate trade association representing commercial, residential, and institutional property owners, builders, managers, investors, brokers, salespeople, and other organizations and individuals active in New York City real estate. REBNY thanks the Department of City Planning (DCP) for the opportunity to submit comments on the Draft Scope of Work (DSOW) for the Draft Environmental Impact Statement (DEIS) for a proposed citywide hotel text amendment (CEQR No. 21DCP111Y).

As New York continues to fight COVID-19, we need predictable and transparent city regulations to create a sustainable economic recovery, especially in development. The real estate and construction industries are vital to New York's livelihood, creating thousands of jobs and billions of dollars in tax revenue. At a time when we need jobs and economic activity more than ever, this proposal seeks to undermine our economic recovery and other city efforts to affirm New York is open for business.

REBNY requests that the department prioritize the consideration of an economic analysis of not just the direct loss of tax revenue from the shortfall of 60,000+ rooms from the City of New York that will result from the action, but also the indirect losses to the city's economy as a result of the proposed action. The hotel industry is part of a larger hospitality sector with various businesses – restaurants, Broadway, retail shopping and other cultural and arts attractions – dependent upon the flow of tourists, visitors and business travelers that patronize hotels. Only by analyzing the potential effects of a shortage of hotel rooms relative upon each of these types businesses, inclusive of effects on employment, tax revenues can there be a true accounting of all secondary impacts of the proposal on businesses and industries other than hotels themselves.

The Scope recognizes only obliquely that under the CEQR Technical Manual a socioeconomic analysis may require in investigation at whether the proposal may indirectly affect businesses that support or interact with the specific business targeted by the action, but fails to commit to do so in this case. The Draft Scope of Work lacks any discussion of how the City will approach this question despite the obvious importance of hotels to the City's economy.

The Draft Scope of Work does make clear just how much adoption of this proposal would stifle an industry that has brought jobs, revenue and growth opportunities to all five boroughs. The Department's own documents state the following:

- "In 2019, New York City drew a record 66.6 million visitors, a 2.4 percent increase over 2018 and reflective of an uninterrupted 12-year run of consecutive increases in visitor counts. 28 million of those visitors stayed in hotels in the city, accounting for over \$13 billion in direct and indirect business sales" [page 1];
- "... hotels directly supported 305,900 jobs in 2019 and accounted for \$940 million in property tax, \$634 million in hotel occupancy tax, and \$425 million in sales tax in fiscal year 2019" [page 1];
- "Since 2010, Queens and Brooklyn have both seen hotel room count increases of over 50 percent, with similar growth rates in the smaller markets of the Bronx and Staten Island. Also noteworthy has been the expansion of hotel development into areas of the city that had never supported substantial hotel development before" [page 12];
- "... in M1 zoning districts, the City's special permit requirement for new hotels, instituted at the end of 2018, resulted in no new hotel projects in these areas" [page 12];
- "CPC special permits generally present a disincentive to development that previously was as-of-right, since obtaining the special permit can add significant time, cost, and uncertainty to a project" [page 18]; and
- "...under the With-Action condition, up to 32,115 future hotel rooms could be affected by the special permit, slowing or hindering their development. If the 30,331 pipeline hotels are also conservatively taken into account, up to 62,446 future hotel rooms could be affected by the special permit" [page 19].

Additional, task specific comments follow:

Task 2: Land Use, Zoning and Public Policy

This task should address the glaring disconnect between the land use and public policy analysis for the M1 Hotel Text Amendment – which relied heavily on the continued availability of as of right development opportunities in other districts in order to justify a conclusion that a shift to a discretionary system in M1 districts would have no impacts – and this proposal, which would wipe out those same opportunities. Further, the DSOW states that there has been no hotel development in M1 districts since the enactment of the M1 district special permit, providing a strong indication that there will similarly be little or no hotel development citywide if this action is approved. This task must also therefore address the appropriateness of a de facto moratorium on future hotel development citywide that will stymie the future recovery of an industry that, according to NYC and Co, sustained high levels of growth for ten years running prior to the pandemic.

The state and city are currently exploring creating additional and smaller business districts and residential opportunities to create more live-work-play neighborhoods. This task should examine how this proposal complements or undercuts that public policy goal.

Additionally, neighborhood character, by definition and by statute with the special districts, identifies neighborhoods as geographic areas with unique architectural, design, historical or cultural attributes. The M1 Hotel Text Amendment was intended to reduce land use conflicts between hotels and industrial uses, while recognizing that the tourism industry is essential to the City, generating new jobs and helping to support a large number of businesses and cultural institutions. An examination of other special permits and their respective findings in the special districts also reflect neighborhood specific concerns, which this proposal would purposefully negate in favor of a one-size fits all approach. Yet, in Midtown, hotels are explicitly desired and the controls were to ensure that programmatically such development complemented the business nature of the community. This task needs to explain how that individuality and neighborhood specific prioritization will be accounted for in a citywide permit with citywide findings that treats all hotels regardless of location and surrounding uses as a nuisance category.

Lastly, this task should consider whether adoption of this proposal would fuel an informal hotel market to meet demand for transient occupancy and effectively remove residential units from the housing market by encouraging their use for short-term stays. It is often said that CEQR does not consider illegal activity; however, this is an entirely predictable result of the action and should be evaluated. Additionally, if fewer hotels are developed, the task should consider whether other uses be developed in their place, and what will be the impact from increased development of residences or offices – whatever is built instead of the hotels - on open space, transportation, community facilities and other neighborhood infrastructure.

Task 3: Socioeconomic Conditions

If the only way to build a hotel is with the special permit, that increases the cost of the hotel both for the cost of the City Planning process and the delay costs in holding the property, possibly with financing, for 18-30 months of processing time. That increase, together with resulting shortage of hotel rooms, will likely lead to an increased room rate as there will be insufficient supply. This task should examine whether higher room rates will change the socioeconomic profile of visitors and tourists, and in turn have indirect effects on the industries that serve them, such as restaurants.

In addition to an economic analysis of any indirect impacts this proposal will have on related and reliant sector partners in hospitality, there should also be an examination of the potential impact that increased use of AirBNB and similar programs resulting from the City's inability to meet demand for hotel rooms would have on the availability of lower rent housing units to New York City residents, including a heightened risk of displacement.

There is no rational land use basis to justify moving forward with the creation of a citywide special permit for the development of future hotels. A robust economic analysis and examination of cross-purposes policy goals will reinforce that there can be no reasonable findings for such a permit. Thank you for the opportunity to provide comments and for consideration of these points.

CONTACT(s):

BASHA GERHARDS

Vice President, Policy and Planning
Real Estate Board of New York

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TESTIMONY OF REGIONAL PLAN ASSOCIATION ON THE SCOPING OF NEW YORK CITY DCP'S CITYWIDE SPECIAL PERMIT FOR HOTEL CONSTRUCTION

Thank you for the opportunity to testify. My name is Moses Gates, and I am the Vice President for Housing and Neighborhood Planning at Regional Plan Association. RPA is a non-profit civic organization that conducts research, planning and advocacy to improve economic opportunity, mobility, environmental sustainability and the quality of life for those who live and work in the New York metropolitan region. I have also spent several years working in the hospitality industry as a New York City Tour Guide.

The stated premise of this proposal is to create “a more uniform zoning framework for new hotels citywide that could support more predictable development.” However, what the Department is proposing to study is the opposite of a framework that would lead to more uniformity and predictability. Instead, they are proposing to study the effects of instituting an ad hoc process for permitting a specific use, one in which every action would be subject to uncertainty and unpredictability, and almost certainly result in heavily discretionary and non-uniform development. This is made plain by the draft scope of work itself, which states that “obtaining the special permit can add significant time, cost, and uncertainty to a project.”

This is doubly confounding as the scope of work also notes that “Although hotels are appropriate and desirable uses in the city’s commercial, mixed-use, and light manufacturing districts, reviewing the project’s relationship to area context of new hotels will result in better configuration of the use to minimize conflicts with adjacent uses and protect the safety of hotel guests.”

If hotels are considered “appropriate and desirable uses,” with the only rationales for a citywide special permit being conflict with adjacent uses and protecting the safety of hotel guests, it begs the question of how these safety and conflict concerns are particular to hotels and their occupants. What is unique about a hotel guest that engenders more safety concerns from the surrounding urban environment than an office worker, or restaurant patron, or anyone else trying to cross the street? Wouldn’t a childcare or assisted living facility, for instance, engender more concerns over protecting the safety of its users from the surrounding environment?

At minimum, as part of the scope of work, it is incumbent on DCP to point out what exactly these safety concerns are, back them up with evidence, and explain how they are different from the safety concerns of anyone else.

As far as conflict with surrounding uses, a Citywide Special Permit for hotel use would make hotels the only significant use that would need a special permit citywide. There are places in New York where one can build roller coasters, aircraft factories, garbage dumps, fertilizer manufacturers, cement plants and petting zoos as-of-right. There are seven zoning districts where one can build a football stadium, five where one can locate a temporary carnival or circus

and four where one can build a blacksmith shop. There are 16 where one could currently locate an active cemetery and four where one could locate an active crematorium. Yet hotels are what must, in every case, be examined to see if they conflict with adjacent uses?

Again, DCP offers no examples of what may constitute conflict, or any evidence or rationale for why hotels in particular, need to be reviewed on an ad-hoc basis for conflict with adjacent uses. As part of the scope of work it is incumbent on DCP to explain what these potential conflicts are, how they are unique to hotels, and why they rise to a level of nuisance that other conflicts do not.

Since the stated goal is at direct odds with the proposed scope of work, it begs the question of if this study should go forward at all or be withdrawn and replaced with a more appropriate scope of work. If DCP goes ahead with this proposal, as follows are additional suggestions to those mentioned above which should be included in the scope of work, especially since, as DCP notes, “prior to 2007 New York City’s supply of hotel rooms had not kept up with demand, resulting in some of the highest occupancy and nightly rates in the country, and this is expected to return by 2025.”

- Given that the special permit in the Manufacturing Zone has produced no new hotels, the Reasonable Worst-Case Development Scenario should be set either at zero or a negative number in order to adjust for hotel loss during this period.
- Given this constrained hotel supply, both the likely number of visitors and the likely economic profile of visitors should also be studied, vs the likely number and economic profile of visitors in a no-action scenario.
- Given this changing number of visitors, and the changing economic profile of these visitors, the effect not only on the tourism industry itself but on all commercial businesses near areas currently zoned for hotels should be studied, as well as the effect on the overall job market.
- The possible increase in hotel alternatives, such as Air BnBs, as an effect of this constrained hotel supply should be studied, as should the knock-on effect of housing availability and affordability in the City.
- The effect of a possible reduction in new supportive and affordable housing, given the lessened likelihood of hotels converting to these uses due to increased hotel demand in the future, should also be studied.

If the Department wants a framework for uniform and predictable hotel development, they should conduct a study of the city and determine the best framework for uniform and predictable hotel development, preferably in the context of a comprehensive citywide planning effort. Just like there are areas and zones of the city where hotels are inappropriate, there are areas and zones of the city where hotels are appropriate.



New York City has been one of the leading tourist destinations of the world for decades, and currently sees an estimated 28 million visitors a year. Instituting a drastic shift in which all hotel development would require approval from both the City Planning Commission and the City Council is not a small matter, and would not have a small effect on our city. It would affect countless industries and businesses. It would affect our job market and our housing market. It would affect the ability of people to visit loved ones and have their loved ones visit them. It would affect New York's ability to be a true international hub, able to welcome visitors from different places and walks of life. If the Department wishes to move forward, all of these effects should be studied and fully understood so that the city can make an informed decision on this proposal.

Thank you for the opportunity to testify:

Moses Gates
Regional Plan Association

STROOCK

February 1, 2021

Ross F. Moskowitz
Direct Dial 212-806-5550
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rmoskowitz@stroock.com

Olga Abinader, EARD Director
NYC Department of City Planning
120 Broadway, 31st Floor
New York, New York 10007

Re: Citywide Hotel Special Permit Text Amendment
CEQR Application No. 21DCP111Y
Comments on EIS Scoping Documents

Dear Ms. Abinader,

We are land use counsel to FWRA LLC (“FWRA” or the “Owners”). FWRA is the consortium of owners who were the applicant for the recently approved Special Flushing Waterfront District (“SFWD”)¹. SFWD was approved by the City Planning Commission (“CPC”) on November 18, 2020 and subsequently by the City Council on December 10, 2020. The Environmental Assessment Statement (“EAS”) for SFWD received a negative declaration on December 12, 2019, which resulted in E-Designations on the sites within the SFWD project area and recorded environmental restrictive declarations.² SFWD is a potentially affected area by the proposed Citywide Hotel Special Permit (“Hotel Special Permit”) and we submit this letter to provide comments to the scoping documents that were presented at the public meeting on January 22, 2021. Specifically, we are requesting that projects within the SFWD be excluded from and not subject to the Hotel Special Permit.

The scoping documents for the Hotel Special Permit state that the Hotel Special Permit will apply to all Commercial Districts (C1 (except for C1-1, C1-2, C1-3 or C1-4 Districts), C25, C4, C5, C6, and C8) and Mixed Use Districts (MX, paired M1/R districts). The scoping documents for the Hotel Special Permit do not specifically state that sites previously subject to Uniform Land Use Review Procedure (“ULURP”) are to be excluded from the Hotel Special Permit. SFWD contains both a C4-2 zoning district and an M1-2/R7-1 zoning district and went through ULURP in 2020. SFWD should be an area excluded from the proposed Hotel Special Permit requirement for the following reasons.

¹ ULURP Nos. C200033ZMQ and N200034ZRQ.

² CEQRA No. 20DCP083Q.

1. SFWD completed and received ULURP approvals in 2020 after extensive public review.

The development for SFWD contains three hotels across the project area. SFWD went through the statutory-seven month ULURP process in 2020 with approvals from the local community board, CPC, and City Council. There was zero opposition to the hotel uses within SFWD. To force hotels that were recently approved through the ULURP process to be subject to another ULURP action that would analyze the same issues would be contrary to land use policy and economic development.

2. SFWD will provide hundreds of union jobs.

The SFWD development is providing hundreds of jobs with prevailing wages. Each of the owners have executed agreements with both Hotel Trades Council and 32BJ. Requiring hotels within SFWD to go through another ULURP action would deter the development of such hotels that are expecting to provide hundreds of union jobs.

3. Hotels are an important part of the SFWD master plan and its land use goals.

SFWD created a coordinated master plan among three different property owners to allow for the development of a 19 acre, dilapidated, contaminated, waterfront property to connect to downtown Flushing and provide a publicly accessible waterfront esplanade. Hotels are important to the public realm of SFWD and Flushing as a whole. Among many, the purpose of SFWD per Zoning Resolution Section 127-00 is (a) “to create a lively and attractive built environment that will provide amenities and services for the use and enjoyment of area residents, workers and visitors;” (b) “to encourage well-designed development that complements the pedestrian experience and enhances the built character of the neighborhood” and (c) “to promote the most desirable use of land and building development in accordance with the District Plan for Downtown Flushing and thus conserve the value of land and buildings and thereby improve the City’s tax revenues.”

SFWD is in close proximity to Downtown Flushing, LaGuardia Airport, Citi Field, and Willets Point all of which attract the need for hotels for tourists and visitors. Hotels provide exciting retail and food and beverage establishments that help activate the new public realm that is part of the SFWD master plan.


4. SFWD should be explicitly excluded and not be subject to vesting provisions.

SFWD was a coordinated effort among three property owners with construction phasing of buildings and construction phasing of a publicly accessible private street network and a publicly assessable waterfront. It would not be possible for existing or new vesting provisions to accommodate the detailed construction phasing of SFWD. Therefore, SFWD should be an area excluded from the Hotel Special Permit requirement and not be forced to meet vesting conditions.

For the reasons stated above, SFWD should be an area excluded from the Hotel Special Permit requirement and should be analyzed as such in the Environmental Impact Statement.

Thank you for your consideration of these comments. Please feel free to contact me should you have any questions.

Sincerely,

DocuSigned by:

65474A918156493...
Ross F. Moskowitz

cc: FWRA, LLC



Lisa M. Orrantia

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February 1, 2021

Olga Abinader
Director, Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: Draft Scope of Work for the Citywide Hotel Text Amendment
CEQR No. 21DCP111Y

Dear Ms. Abinader,

We are writing to request that the proposed vesting provisions described in the Draft Scope of Work for the Citywide Hotel Text Amendment proposal include an exemption for a pending application for zoning text and map amendments to facilitate a 100% affordable housing and hotel project located at 495 11th Avenue, Manhattan (referred to informally as the Slaughterhouse Rezoning). The application is targeted to be certified this April. Our concern is that any delay caused by a hotel special permit requirement would jeopardize approval by a supportive administration, and could deprive the City of 350 affordable housing units (being built without public subsidy).

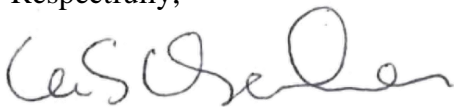
We hope to exclude the Slaughterhouse Rezoning from a special permit requirement because the proposed hotel use is well-considered, its effect on the surrounding area is subject to ongoing review, and the City-owned site will involve safeguards to minimize adverse effects on the neighborhood as detailed below.

- The proposed hotel is appropriately situated next to the Javits Convention Center and is suitable for the neighborhood. A proposed pedestrian walkway will connect the hotel use to the Javits Center, pursuant to an agreement between EDC, ESD and the developer.
- Manhattan Community Board 4 supports the proposed hotel use needed to provide the 350 affordable dwelling units without public subsidy. The development team will continue to consider and adopt CB 4's suggestions on how to enhance neighborhood character and pedestrian experience, and to properly locate building access, refuse and laundry areas, building orientation and landscaping.

- The development team will continue to work with DOT to address their comments on vehicular and pedestrian movement and loading operations as part of both MOEC's CEQR review and PDC's Design Review.
- Both PDC and DOT will have oversight of the site design and landscaping as part of the pending application for Design Review and a proposed future application for revocable consent for a pedestrian-oriented space in West 39th Street.
- It is anticipated that the City's ground lease to the developer will include additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Furthermore, an evaluation of the potential economic impacts of requiring a special permit for mixed-use developments containing a hotel should be included in the socioeconomics analysis of the Draft EIS. The requirement to obtain a special permit would delay mixed-use projects and could reduce the viability of new housing construction, including affordable housing. The Draft Scope of Work provides limited detail on the proposed methodology for the socioeconomics analysis. The Draft Scope of Work should be revised to specify which related industries (e.g. retail, tourism, conventions, entertainment, etc.) will be studied for potential economic impacts and elaborate on how the threshold for significant adverse impacts will be determined. A range of potential mitigation options should be identified in the Draft Scope of Work for any potential indirect socioeconomic impacts on related industries. The preservation of as-of-right hotel development in select areas of the City that provide a disproportionate economic benefit, such as areas near stadiums, convention centers and airports, could help alleviate the potential for impacts.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Lisa M. Orrantia', written in a cursive style.

Lisa M. Orrantia

FW: Brendan Bermudez testimony

Annabelle Meunier (DCP) <AMEUNIER@planning.nyc.gov>

Fri 1/29/2021 9:17 AM

To: 21DCP111Y_DL <21DCP111Y_DL@planning.nyc.gov>

Cc: Laura Kenny (DCP) <LKenny@planning.nyc.gov>

From: Rolando Cantero <rolando1014@aol.com>

Sent: Thursday, January 28, 2021 7:52 PM

To: 20DCP130R_DL <20DCP130R_DL@planning.nyc.gov>

Subject: Fwd: Brendan Bermudez testimony

Dear Planning Commission

I'm writing to express my support for special permits for hotels. My name is Brendan Bermudez. I live in Greenwood Heights/Sunset Park. I'm the third generation in my family to live here. My community is very familyoriented and I know all my neighbors and even the small businesses owners. But lately the feel of my community has changed and made me feel unsafe.

There are three hotels near me, the Glo Best Western Brooklyn is right on the corner, the Brooklyn Way (it used to be a Best Western Plus) is 5 blocks away and the Comfort Inn is about 9 blocks away. All of them were turned into homeless shelters. This has completely changed the feel of my community. People are constantly begging for money. I've been called derogatory names for my sexuality. Sometimes I'll cross the street to avoid being near the homeless people.

There's also a noticeable increase in the use of drugs and alcohol. People smoke pot outside all the time. I've even seen drug needles in front of the shelter on my corner. There are always empty liquor bottles all over the place. I don't feel comfortable sitting in my front lawn or walking after dark. I saw someone go into my cousin's backyard and sit in his lawn chair drinking. When my cousin and I asked him to leave, he threw a beer bottle at my cousin and we had to call the police. Just imagine: Our own backyards aren't even safe anymore.

There's an elementary school across the street and I worry about my niece attending that school. The homeless people will congregate on the benches outside, drinking, smoking, and leaving their empty liquor bottles and cigarette butts. Sometimes they'll talk to the children as they go to school. I don't think its appropriate or safe for these kids. I've even seen people expose themselves in public and urinate. This behavior shouldn't be allowed across the street from a school.

I've contacted Councilman Menchaca, Mayor De Blasio and even Governor Cuomo and I've never heard anything back. I know my neighbors have also contacted the city as well. My neighbor is moving out because he can't take these hotels anymore. As a homeowner, I also worry about my property value going down. I want my community to be safe again and I think part of that means that hotels aren't built without the community's input.

Thank you for accepting my testimony.

Sincerely,
Brendan Bermudez

152 30th Street, Brooklyn, New York, 11232

Sent from my iPhone

Begin forwarded message:

From: Rolando Cantero <rolando1014@aol.com>
Date: January 28, 2021 at 7:48:23 PM EST
To: 20DCP130R_DL@planning.nyc.gov
Subject: Brendan Bermudez testimony

Testimony City Planning Hotel Scoping 1/22/2021

Good Afternoon. My name is Mary Bullock.

I represent thousands from neighborhoods in the four outer boroughs: Two in the Bronx. Two in Brooklyn. Six in Queens and Two on Staten Island.

We support your goal -- that all new hotels be vetted for appropriate siting and their impact on the surrounding area.

We are thrilled hotels are the topic for TODAY.

We urge City Government to IMMEDIATELY defer ALL hotel/transient development in favor of permanent housing.

Only permanent housing can guarantee NYC will conquer Covid, and future Coivids, and restore our prosperity.

Developers of integrity can be persuaded to go along with this.

Permanently housed people have a fighting chance to be healthy and law abiding, have jobs, pay taxes, and support local businesses.

Tourists, business travelers, commercial tenants – THE WORLD -- will return ONLY when they trust New Yorkers are healthy.

Permanent housing will attract students, creatives, and entrepreneurs, guaranteeing our future cultural and business primacy.

We are also thrilled hotels are the topic for TODAY

Hotel development underway right now needs to be halted and **investigated as enterprise corruption under RICO.**

This is how it works.

RiverBrook Equities -and developers of their ilk- use a bait and switch business model. They present as a hotel operator to the obscure and less than lucrative locations I speak for today. What they are really after is the revenue stream from “emergency” human warehousing. **Legal but corrupt.**

They take our hard earned tax dollars, and through a murky labyrinth of stakeholders, disguised as national hotel chains, funnel it into the pockets of the 1%. **Legal but corrupt.**

The hotel occupants, and our communities, are left to bear the social and environmental consequences --- and make no mistake all of NYC bears the economic consequences. **Legal but Corrupt.**

RiverBrook currently has 12 hotels built, or proposed, in our “outer borough neighborhoods of opportunity.” Translation: diverse black, brown, and immigrant communities unable to defend themselves against “as of right” zoning. **Legal but Corrupt.**

When these hotels inevitably fail, the DHS swoops in --declaring “emergency” and --with absolutely no fiscal oversight --squanders our tax dollars --
Legal but corrupt.

The Department of Investigation says, RiverBrook's Construction Consultant, Amritpal Sandhu, was arrested for Influence Peddling and Bribery in 2017. **Just plain corrupt.**

Hotels must prevent a guest from staying longer than **30 days** and accruing tenant's rights. Moving around the homeless is human trafficking. **Definitely corrupt.**

PLEASE -- END THIS **NOW**.

Thank you.

UNDER THREE MINUTES

Written Comments * Public Scoping Meeting * Transient Hotels Zoning Text Amendment * Friday, January 22, 202

Mario B <mariob540@yahoo.com>

Tue 1/26/2021 7:52 PM

To: 21DCP111Y_DL <21DCP111Y_DL@planning.nyc.gov>

Dear Ms. Abinader,

Please, accept my statement for the following as a written statement for **Transient Hotel Text Amendment**.

Allow me to introduce myself. Name is Mario Buonviaggio I am Vice President of a Civic group; Port Richmond Strong Civic Association located in Staten Island. I am in support of Citywide Hotel Text Amendment which would require The Citywide Hotel Text Amendment seeks to establish a new City Planning Commission special permit for new transient hotels currently allowed as-of-right, including C1, C2, C4, C5, C6, C8, Mixed-Use (MX), and paired M1/R districts.

Port Richmond in Staten Island has been struggling with economic, environmental, and social injustice and hamstrung by “as of right” zoning ripe for exploitation.

Our historic Staten Island neighborhood is currently under siege by unscrupulous builder *Amritpal Tejpal Sandhu* who is attempting to put one such TRANSIENT HOTEL at 35 Port Richmond Avenue. In 2019 we got a stop work order on this site and it was found that he was performing illegal demolition with fraudulent asbestos reporting by now a defunct company and ultimately exposing his workers and our residents to asbestos. This same person was Sandhu was charged with Influence Peddling and Bribery in 2017 at a different project. That this criminal is still able to continue to operate should be investigated should be an investigation

Today due to loopholes in the current “as of right zoning” for Transient Hotels we may little recourse to stop what Sandhu has planned at 35 Port Richmond Avenue. These type of Transient Hotels destroy the future of our district to be a thriving neighborhood. A transient hotel at 35 Port Richmond is a bait and switch for a homeless shelter, a Social Service device for transient convicted criminals being released from the Criminal justice System, some being level 1 Sexual Predators. This happening under the elected officials which allowed this to happen for way to long. This Model is currently happening in Mott haven, Bronx; Jamaica, Far Rockaway, Ozone Park, and Flatbush Brooklyn. The areas mentioned are comprised most of black, brown and Hispanic residents with most of the areas being vulnerable to overwhelmed by these Reckless Developers and no representation by the Elected Officials.

Port Richmond is the most diverse community in all of Staten Island. We have personally worked hard with our community to build our civic association Port Richmond Strong Civic. Today we are a diverse organization with over 500 members. We have cleaned empty lots, towed abandoned cars, stopped graffiti and illegal dumping. Business owners and residents are doing their part to help revitalize this area. We have gained attention in which Reckless developers and Landlords now have reservations in conducting such activities which would negatively impact the community.

When it comes to development, we can only fight for our community if we have the right tools. The Citywide Hotel Text Amendment is an extra level of community input, and the new hotel special permit would require new hotels and other transient uses to go through ULURP, the city's land use review process. We else strongly recommend to include in this amendment, to conduct a round robin under each developer, Company, or LLC which wants to erect such projects in the Coty of New York. We strongly urge including a Thorough vetting process of; Criminal background checks, Financial Audits of every person involved, All names, companies be search through NYC Dept of Buildings for long time issues and history of previous projects. We need accountability inside the City Planning and NYC Council. NYC

Councilmembers are partly to blame with the enormous fast tracking of these unsuitable Boutique Hotels sprouting throughout all areas of New York City.

We urge you to serious consider our report and recommendation stated above.

Respectfully Submitted

And Sincere Regards;

Mario Buonviaggio Jr.
Vice President
Port Richmond Strong Civic Association
54 Port Richmond Avenue
Staten Island, NY 10302

Please do not require a special permit for hotels

Daniel Cohen <dccohe@gmail.com>

Fri 1/22/2021 9:55 AM

To: 21DCP111Y_DL <21DCP111Y_DL@planning.nyc.gov>

Hello, I'm writing regarding the proposed "special permit" for new hotels which in reality amounts to all-but-banning new hotels. This is anti-competitive policy that is a handout to already-existing hotels at the expense of all parts of NYC's economy that rely on tourism.

If this policy is enacted, existing hotels will be able to jack up their prices because they don't have to worry about competition.

Furthermore, it's plain as day that this is a corrupt pay-to-play policy from mayor De Blasio. The Hotel Trades Council was De Blasio's biggest supporter in the mayoral race, and now he's using this to give them a handout at everyone else's expense.

Please don't do this.

Thank you,
Daniel Cohen

Hello, thank you for hearing my concerns. My name is Jonah Dill-D'Ascoli and I am here to speak in support of special permits for hotels. I live in Long Island City with my wife and preschool age daughter for seven plus years. We love my neighborhood, but I am concerned with the impact that the hotel development has had on our economy and the fabric of our neighborhood.

When the zoning laws were changed it allowed more hotels to be built. Since then, there have been almost 50 new hotels built which have caused a host of issues. The biggest issue is that the economy of Long Island City cannot sustain that many hotels. Even before the pandemic there are too many rooms and not enough "budget" tourists. This area is not as popular as Midtown, it does not make sense to have an over abundance of hotels when half the rooms end up empty. Why is it when we have a growing number of people struggling to find decent affordable housing, particularly in an area that has been traditionally affordable for working families, are we building hotels that will sit feral? Many of the hotels that are not consistently full have fallen into disrepair, leaving an eyesore in the neighborhood, and turning to dubious ways to fill rooms making the area feel unsafe. There are streets I will no longer walk down with my four-year-old because of this.

With many of these hotels at low capacity, they've been turned into temporary homeless shelters. Because of the abundance of near empty hotels, anytime the city needs another shelter, Long Island City is where they go. Now we have multiple homeless shelters in very close proximity to one another. I firmly believe that shelters and transitional housing are an important part of the support system that provides for people and families however, we should isolate people and families who have found themselves in difficult circumstances into one neighborhood as this has been proven time and again to exacerbate the underlying social issues that created the problem to begin with. This hurts both the community and the homeless population. We are shirking our moral imperative to these individuals by taking the easy route and sidestepping the local community boards to utilize troubled budget hotels as transitional housing. We are not helping the most vulnerable members of our city develop a new life if we are placing all of them in the same area and surrounding them with the same issues and influences from which they are trying to escape. It is not good for the neighborhood, the people, or the fabric of the city when we cluster all these accommodations in proximity to one another.

This is a community concern. I have spoken to my landlord, our neighbors, and parents at my daughter's school and they are all concerned about the transitioning of hotels into homeless shelters and the increased development of hotels.

GOLDMANHARRIS LLC

Attorneys at Law

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New York, New York 10016
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T. 212 935.1622
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hgoldman@goldmanharris.com

Howard Goldman

January 27, 2021

By Electronic Mail

Ms. Olga Abinader

Director

Environmental Assessment & Review Division

NYC Department of City Planning

120 Broadway, 31st Floor

New York, NY 10271

21DCP111Y_DL@planning.nyc.gov

**Re: Citywide Hotel Text Amendment
CEQR No. 21DCP111Y**

Dear Ms. Abinader:

This letter is submitted to comment on the draft scope of work for preparation of a Draft EIS for the proposed Citywide Hotel Text Amendment.

This firm is currently representing a number of mixed-use projects that include hotels among other uses. These projects are at the Landmarks Preservation Commission, Board of Standards and Appeals and/or City Planning Commission for landmarks or discretionary approvals. Unless special vesting provisions are adopted in connection with the proposed hotel text amendment, these projects will not complete the approval process, obtain a building permit, and complete foundations in time to vest and would be required to obtain special permits for the planned hotel use.

These projects were conceived of years before the announcement of the proposal to require a special permit for hotels in commercial districts. They are supported by investment-backed expectations based on longstanding zoning regulations applicable to hotels. As you are aware, the 1916 Zoning Resolution allowed hotels in business districts without a special exception. Under the 1961 Zoning Resolution, hotels were classified in Use Group 5 and permitted in all but two of the eight commercial zoning districts; no special permit was required. As explained in the Zoning Handbook (2018 Edition), “[i]n general, the higher the use group, the more commercial or industrial the character of the activity.” Hotels are listed in Use Group 5, the lowest of the commercial use groups, and therefore the least commercial in character.

The Draft Scope of Work states that DCP will “... evaluate zoning mechanisms to limit the effect of reductions in supply ... [including], but ... not limited to, the extension of the standard discontinuance and vesting provisions, and the exclusion of some known

Ms. Olga Abinader
January 27, 2021
Page 2

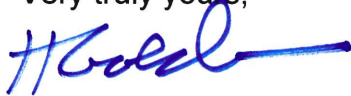
hotel projects.” We support this effort and propose that “known projects” include those that have formally entered a public approval process or are about to enter a public approval process.

If the City is to recover from the economic downturn caused by the coronavirus, it must encourage domestic and international investment. In order to encourage investment, it must assure that projects begun under long-standing zoning regulations, which have involved substantial commitments of financial resources and time, are allowed to proceed notwithstanding changes to those regulations. Without such assurances, reflected in grandfathering provisions, sites that are primed to be developed with projects that include hotels will lay fallow and the city will lose the investments vital to the recovery.

This calls for a two-pronged approach: the Department of City Planning must develop an appropriate zoning mechanism to exclude such projects from the special permit requirement; and the EIS for the proposed zoning change must fully disclose the adverse impacts that may result if such mechanism is not adopted.

Please feel free to contact me if I can provide any additional information. Thank you.

Very truly yours,

A handwritten signature in blue ink, appearing to read "H. Abinader", with a long horizontal stroke extending to the right.

My name is Daniel Hernandez and I want special permits in my neighborhood, the South Bronx. I've lived here for 11 years and I have issues with the hotels nearby. There are a lot of concerns with the hotels: they rent them to shelters, there is drug activity, crimes and break ins, and prostitution.

The hotel closest to me is the Ramada Inn by 151st and Walton. It was converted to a shelter more than a year ago and it has brought a lot of problems to our neighborhood. There's drugs and prostitution going on. Lot's of windows and cars are being busted. Now we have public urination and people sitting outside the Ramada drinking and smoking. It doesn't feel safe to walk around at night. Even in the daytime we have issues with people playing music really loudly and making a lot of noise. This stuff didn't happen before.

I want my community to feel safe and clean. When new hotels are built and drugs, prostitution, and the homeless are brought in, I don't feel that way. I think that people who live in these communities should have a say in whether or not hotels are built in our neighborhoods. That's why I am speaking today in support of this proposal.

January 26, 2021

By Electronic Mail
Olga Abinader
Director
Environmental Assessment & Review Division
NYC Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271
21DCP111Y_DL@planning.nyc.gov

Re: Citywide Hotel Text Amendment Scoping– DEIS CEQR No. 21DCP111Y

Dear Ms. Abinader,

As the owner of two properties with long-planned ground-up hotel projects located in the C5-5 Special Lower Manhattan zoning district, Hidrock Properties has significant concerns about the City's proposed zoning action. Based on our expectations under current zoning regulations, we purchased these properties more than two years ago with the intention to develop them as hotels and have since invested considerable capital developing plans, securing entitlements, and demolishing the existing improvements on each site. We and our investment partners will face significant financial hardship if this special permit requirement for hotels is enacted. Unless grandfathered by the proposed Citywide Hotel Text Amendment, these projects will fail to vest their rights under the Zoning Resolution.

The Draft Scope for this proposed Citywide Hotel Text amendment provides that DCP will "... evaluate zoning mechanisms to limit the effect of reductions in supply ... [including], but ... not limited to, the extension of the standard discontinuance and vesting provisions, and the exclusion of some known hotel projects." Due to COVID impacts, we respectfully request that this citywide hotel special permit requirement not be made effective until at least 2 years after the text amendment is approved by City Council. Similarly, we request that DCP grandfather "known" projects already in the pipeline, such as 1) those which already have a foundation permit, 2) those which submitted plans to the Department of Buildings before the date the text amendment was approved by DCP, and 3) those located in commercial business districts and other sensitive areas of the city with special and unique tourist attractions such as Lower Manhattan. Lower Manhattan will be greatly impacted by the loss of tourist infrastructure if/when the hotel special permit is implemented. An astounding number of hotels have already permanently closed due to the economic fallout from COVID-19 in Manhattan Community District 1 alone. In order to provide adequate options at various price points to tourists once the economy recovers, these projects should be grandfathered.

Additionally, due to COVID-related impacts on the financial markets, the vesting provisions must be extended until at least 2025 to ensure that projects already in the pipeline but greatly set back by the economic devastation of COVID have enough time to begin construction. With tourism and business travel stymied by the pandemic and the vast majority of office workers still working remotely, most lenders are

waiting to see the progress of vaccine implementation and the resulting economic recovery before committing capital.

The City's efforts to enact a text amendment in this climate will hinder investment and economic development for years to come. If allowed to move forward as-of-right under current zoning, our two planned hotel projects alone would create around 850 construction jobs and over 110 permanent jobs, not to mention the secondary employment and spinoff economic activity those jobs would support. Additional jobs and sales tax revenue will also be lost in the neighborhoods surrounding these hotel sites, as restaurants, cafés, and retail shopping establishments will lose out on revenue from guests and staff frequenting these planned hotels.

The City's action in this text amendment will also directly reduce its future sales tax, mortgage recording and transfer tax, hotel occupancy tax and property tax revenues. According to the City's own draft scope of work, in fiscal year 2019, hotels directly supported 305,900 jobs and accounted for \$940 million in Property tax, \$634 million in Hotel Occupancy tax, and \$425 million in sales tax.

As such, for the purposes of your environmental analysis, we ask that you take these serious economic impacts into consideration and exclude properties meeting the known criteria. Please let us know if you require any additional information and thank you for your continued attention to these issues.

Sincerely,



Eddie Hidary
Chief Investment Officer

JANNAT HOSPITALITY GROUP

87-23 144th Street
Jamaica, NY 11345

January 5, 2021

Attn: Ms. Olga Abinader, Director, EARD
New York City Department of City Planning
120 Broadway, 31st Floor
New York, New York 10271
21DCP111Y_DL@planning.nyc.gov

Re: Draft Scoping Comments for Citywide Hotel Text Amendment
(CEQR No. 21DCP111Y)

Dear Chair Lago;

I write on behalf of my company, Jannat Hospitality, to provide comments to the flawed Draft Scope of Work for Preparation of an Environmental Impact Statement (“Draft Scope”) for the Citywide Hotel Text Amendment (“Proposed Text Amendment”), for which a public hearing is to be held on January 22, 2021. To start, I would like to acknowledge that real estate development has been one of the cornerstones of recovery for every economic downturn throughout the City’s history, breathing life back into our streets after we have been hit with hard times. And in this, the City’s time of dire need, this Administration cannot get out of its own way, wasting our resources, time and money on stopping economic growth, instead of helping it to flourish. To put it mildly, the arbitrary and capricious rationale which fails to support this Proposed Text Amendment could not come at a worse time for New Yorkers.

The Draft Scope raises many issues. Most glaring, the Draft Scope suggests that a hotel use, is inconsistent with a commercial district. (Draft Scope, page 1). Lest the drafters forget, a hotel use, or Use Group 5 Transient Hotel, is in fact a commercial use, as set forth in the Commercial Use Regulations (§32-14) of the Zoning Resolution of the City of New York, as amended (the “Zoning Resolution” or “ZR”). It is, in fact, the first Commercial Use Group listed after the Residential and Community Facility Uses (Use Groups 1-4 found in §22-00, et al.), as it is closely related to residential uses in that hotels are multiple dwellings, and regulated by the New York State Multiple Dwelling Law, just like residential uses and community facility uses with sleeping accommodations. As the Use Groups go up in number, they also become more invasive or offensive to a neighborhood. For example, Use Group 1 is a one- or two-family home, while Use Group 18 would include a chemical plant. To state that a transient hotel would be inconsistent with the residential uses found within a Commercial District, is nonsensical. Namely, hotels are the least offensive Use Group of the Commercial Uses listed in the Zoning Resolution; and if hotels are found to be incompatible with residential buildings in Commercial Districts, then all commercial uses would be found to be incompatible with residential buildings in Commercial Districts. I understand that a rationale for the Mayor’s directive was hard to come by, but to reuse

the City's prior rationale for the hotel special permit within M1 Districts (now found in ZR §74-803), does not work here.

The only real conflict cited by the Draft Scope, was in C8 and Mixed Use Districts, where the Draft Scope states these areas "lack amenities and services, while surrounding business activity and traffic may create hazard for guests." (Draft Scope, page 1). But Mixed Use Districts, not unlike C8 districts which allow heavier Commercial Uses and some Community Facility Uses, were fully analyzed for the 2018 M1 hotel special permit text change, and specifically excluded from having to obtain a special permit for hotels. (See, ZR §42-111(b)(1)(ii)). In fact, the 2018 Hotel Special Permit text states (in pertinent part), "a special permit pursuant to the provisions of Section 74-803 shall not be required for developments, enlargements, extensions or changes of *use* of transient hotels in:... a Special Mixed Use District or where any M1 District is paired with a Residence District." (See, ZR §42-111(b)(1)(ii)).

The 2018 Final Scope of Work for the M1 District Hotel Special Permit ("M1 Final Scope"), found that a special permit for hotels in M1 Districts was necessary because "hotels may directly or indirectly detract from opportunities for other kinds of development, including industrial, residential, institutional, and other commercial uses..." (See, M1 Final Scope, page 3). Additionally, the M1 Final Scope implied that industrial and manufacturing businesses may be incompatible with hotels. *Id.* at 26. Of extreme relevance here, is that the M1 Final Scope found that Commercial Districts are not in need of the same kinds of protection from hotels that M1 Districts require, given the scarcity of Commercial Districts throughout the City, and the fact that most Commercial Districts are almost fully developed, unlike M1 Districts. *Id.* at 7-8. The fact that M1 Districts were singled out so specifically two years ago, and contrasted against Commercial Districts to show the need for the City to protect M1 Districts from hotels, makes this Proposed Text Amendment that much more absurd. There is nothing that has so drastically changed since 2018, pandemic aside, that would account for this complete reversal in policy.

Nevertheless, if the Proposed Text Amendment is passed, I ask that it consider all those hotels about to be developed. Consider those individuals, such as myself, that, after years of analyzing and looking for just the right site, with the proper zoning, in the right neighborhood - those who are looking to make a reasonable return on their investment like any decent businessperson, those who believe in this City enough to put their future in the hope that tourism will one day return – has just had the rug pulled out from under us. Consider that we are being hit hardest by this Proposed Text Amendment. Consider that this Proposed Text Amendment raises an already inexplicably high bar to build in this City – not just making it difficult for those big companies that can afford to go through ULURP, but making it impossible for smaller ones to withstand the years of carrying costs and other expenses associated with the issuance of a special permit.

As such, at a minimum, I would seek the same vesting provisions found in ZR §42-111. However, with pandemic upon us, and with the real estate finance sector about to be hit hardest when the moratorium on foreclosures is lifted, it would be proper to ask that the City consider a two-year vesting period in which developers can obtain a permit from the Department of Buildings from the date of the enactment, to account for the economic recovery; and a five-year term to

complete construction, taking into consideration the struggles of financing construction projects during this tumultuous time.

I am saddened to see such a proposal for us at this time in history. However, I respectfully request that if the City moves forward with the Proposed Text Amendment, it takes the above-recommendations into consideration.

Respectfully,

Hemal Patel

Hemal Patel
Jannat Hospitality Group

Hotel Text Amendment

Cory Kantin <ckantin@gmail.com>

Tue 1/5/2021 8:44 PM

To: 21DCP111Y_DL <21DCP111Y_DL@planning.nyc.gov>

Dear NYC Planning,

I appreciate your time reviewing the hotel zoning process. While Hotels are being reviewed, I ask that you consider either legalizing Bed and Breakfasts, or establishing a category of smaller hotels which would be viewed differently than larger hotels.

For example, a bed and breakfast or guest house with < 5-10 rooms, can and should be considered a different entity than a 250 person hotel and should be subject to different zoning regulations and application processes.

Thanks in advance,
Cory Kantin

COMMENTS ON THE DRAFT SCOPE OF WORK; CEQR NO. 21DCP111Y

Eric Kober

January 29, 2021

To the Department of City Planning:

My name is Eric Kober. I retired from the Department of City Planning in 2017 as Director of Housing, Economic and Infrastructure Planning, having held that position for over 30 years. Although I am currently affiliated with the Manhattan Institute, my comments below on *CEQR No. 21DCP111Y, Citywide Hotel Special Permit, Draft Scope of Work*, are submitted as a concerned private citizen.

Purpose and Need

The Purpose and Need section of the Draft Scope of Work states:

Until the COVID-19 pandemic brought most new construction to a halt in March 2020, new hotels were outpacing other types of non-residential development in some parts of the city, in some instances introducing conflicts with adjacent uses and influencing development patterns in unanticipated ways. In addition, the rapid growth of hotels in commercial and mixed-use districts where hotels are currently allowed as-of-right presents land use challenges in the city's mixed-use business districts. In these locations, hotels can create conflicts with adjacent uses and residences, and in less centrally located commercial areas, hotels may create nuisances on surrounding residents or local services. Additionally, less centrally located commercial areas often lack infrastructure to address the safety of or meet the needs of hotel guests.

However, this section gives no examples of "conflicts" with adjacent uses, "land use challenges" in mixed-use districts, or "nuisances" on surrounding residents or local services. Nor does it document any instance in which a lack of infrastructure endangered the safety or needs of hotel guests.

The proposed zoning text amendment has been widely reported in the media as a politically motivated payoff to a labor union, without underlying land use justification. The vague and unsupported language in the Purpose and Need section is certainly consistent with that view of the motivations behind this proposal. Based on my own professional knowledge, I believe none of these supposed land use issues can be documented successfully. However, the lack of any meaningful documentation of the existence of a bona fide land use issue undermines the entire environmental review process. It is impossible for me, or other members of the public, to comment effectively on the scope of the environmental review or on reasonable alternatives to

the proposed action when no useful information is provided on the problem the proposed action is intended to solve.

Analysis Year

Because of the unique context in which the proposed action is occurring, an analysis year of 2035 is inadequate. The many existing hotel special permits in the Zoning Resolution have not, as far as I am aware, resulted in any land use review applications. As I have [written](#) for *City Journal*, the lack of applications is explained by the differences between the types of hotels typically in demand in the marketplace, and those desired by the politically active labor union that has pushed for the enactment of hotel special permits, culminating in this proposed action. As long as the current political context persists in which the union can influence the land use review process, the lack of applications will continue. Because of this, the gap between the demand for hotel rooms in New York City and the supply can be expected to continue to grow well past the proposed build year, and any absorption of hotels currently in the pipeline. A second, later build year should be included in the final scope of work to account for such long-term effects.

Future Without the Proposed Action

This section considers two scenarios, one assuming the return of all temporarily closed hotels to service and one that does not; each scenario assumes the construction of all hotels in the “pipeline”. Total unmet demand for hotel rooms by the build year is then calculated as the difference between estimated market demand, and each of the two scenarios, creating an estimated range of the number of additional hotel rooms that might be constructed by the build year. However, this estimated range fails to take into account the likelihood that some additional hotels will be closed, redeveloped or converted to other uses between the current time and the build year, necessitating the construction of additional hotel rooms beyond the number estimated to meet market demand.

Future With the Proposed Action

The draft scope of work states, “The effects of the Proposed Action, and whether it would result in hotels not being constructed, thereby resulting in unmet room demand, will be evaluated in the EIS”. The draft scope of work thus leaves ambiguous DCP’s view of the effects of its own proposal, and provides no clarity on how this question will be answered in the final scope of work or the Draft EIS. This portion of the scope of work needs to take into account actual experience of the existing hotel special permits and knowledge of the underlying economic and political context. It is reasonable to assume that only a small fraction, at best, of the gap between the existing hotel room supply, plus that part of the pipeline allowed to vest, and market demand in the build year will be fulfilled.

Socioeconomic Conditions

Because of the unusual circumstances in which this amendment is being proposed, it is important in the analysis of effects on socioeconomic conditions to go beyond the guidelines of the *CEQR Technical Manual* and consider the underlying intent of the Environmental Conservation Law, which defines the “environment” as including “existing patterns of population concentration, distribution, or growth”. The draft scope of work states:

A significant adverse impact may occur if it is determined that the Proposed Action would affect operating conditions for certain categories of business by substantially impairing the ability of a specific industry or category of business to continue operating within the City.

This is an inadequate standard for considering the socioeconomic effects of the proposed action. Certainly, the city will continue to have many hotels, and by capping the supply of hotel rooms, the proposed action will make these hotels more profitable than they would be otherwise. So the stated threshold of significance will not be met. However, the hotel industry is part of a broader tourism ecosystem, including restaurants, arts, entertainment and transportation industries which will also see their growth capped, and these industries are collectively large enough to have a significant effect on population patterns and employment growth in the city as a whole. These impacts also need to be considered.

Alternatives

As noted above, the vagueness of the Purpose and Need section makes comment on reasonable alternatives to the proposed action impossible. The final scope of work should have meaningful documentation of the types of land use impacts the special permit is supposed to address. Some potential reasonable alternatives would include limiting the special permit to the specific situations that have been documented to have the potential to create environmental impacts, or to institute specific regulations in zoning or the Administrative Code that address these issues without the need for a special permit review.

Your attention to remedying the defects of the draft scope of work is greatly appreciated.

Sincerely,
Eric Kober

My name is Maria Lopez. I live in Greenwood Heights, a neighborhood I liked because it was beautiful and quiet. Over the past ten years, a lot has changed in my neighborhood. There's been too much building, which has meant less parking and traffic.

I support this policy, especially if it will help slow down new hotels or make sure they are better quality. There are a lot of hotels in the area and they make it too crowded, with too many cars and deliveries on the street. I have to drive, in order to see my family, and it's really hard because of all the traffic all the time. There's no more parking to be found. Sometimes, I even find someone parked in my OWN driveway!

Some of my neighbors are moving because they can't find parking any more and they don't like the way the community has changed. My neighbors on both sides and across the street all moved away because they didn't like it anymore. I'm thinking about moving to Staten Island. I'm too old to be driving around searching for parking. I have two choices: move or stop driving. But I need to drive.

I want restrictions on new hotels because I think it will help with the congestion in my neighborhood.

Thank you.

Fw: My testimony**Laura Kenny (DCP)** <LKenny@planning.nyc.gov>

Thu 1/21/2021 4:05 PM

To: Rachel Antelmi (DCP) <RAntelmi@planning.nyc.gov> 4 attachments (18 MB)

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LAURA KENNY

Associate Project Manager, Waterfront Resiliency, Environmental Assessment and Review Division

NYC DEPT. OF CITY PLANNING

From: susy pay <susypay@yahoo.com>**Sent:** Thursday, January 21, 2021 3:59 PM**To:** 20DCP130R_DL <20DCP130R_DL@planning.nyc.gov>; Susy <susypay@yahoo.com>**Subject:** My testimony

Hello my name is Susy Panggawean , I've been a resident of Kew Gardens for the last sixteen years. I like my neighborhood because for many years, it was safe and quiet. We didn't have any safety issues before a flood of new hotels were built. I want special permits for hotels to keep my neighborhood safe.

I live one block away from the Umbrella hotel. When it first opened I was happy because I thought it would be good for the neighborhood. Instead the hotel has been filled with crime and has made our community unsafe. There have been two shootings over the summer and another recent shooting on New Years Eve. The most recent shooting left a big hole in the front door of the hotel. This hotel is dangerous. Shootings were not happening in my neighborhood before this hotel was built.

I receive regular emails from my building with information about what has happened at the hotel. The list of reported crimes have included rapes, sex trafficking and shootings. It's scary and it's not safe. Recently residents of my building were sent a press release from the Queens District Attorney announcing that the front desk supervisor at the Umbrella had been arrested for allowing dangerous gatherings at the hotel. I included this notice in my written testimony. Now, I rarely go outside at night because I am scared.

People in my community are worried too. There was a petition to try to stop the hotel from opening. My neighbor is worried about raising his son near the Umbrella Hotel. Kew Gardens used to be a good neighborhood to raise kids but people don't feel safe anymore. I wish my neighbors and I had a say before the Umbrella hotel was built. Something has to be done to stop future hotels from being built in our neighborhoods if they are only going to bring crime and worry.



THE DA'S OFFICE
WWW.QDA.NY.GOV

QUEENS COUNTY DISTRICT ATTORNEY
100-44 QUEENS MUSEUM BLVD
JAMAICA, NEW YORK 11435-1000

Release 03-002
Melinda Katz, District Attorney



MELINDA KATZ
District Attorney

FOR IMMEDIATE RELEASE
TUESDAY, JANUARY 12, 2021

CONTACT: PRESS OFFICE (718) 266-6701
QDAcommunications@qda.nyc.gov

**UMBRELLA HOTEL NIGHT SUPERVISOR ARRESTED
FOR ALLOWING CRIMINAL ACTIVITY IN AND AROUND ESTABLISHMENT**

*Kew Gardens Hotel Was Plagued by Violent Crimes
Including Rape, Drug Deals and Shootings*

After an investigation by the Queens District Attorney's Office, DA Melinda Katz announced that Gulshan Gandhi, the front desk supervisor of the Umbrella Hotel in Kew Gardens, was arrested Monday on criminal nuisance charges for allegedly maintaining conditions that endangered the safety and health of hotel guests and the community at large.

"The defendant, who regularly worked as a supervisor for the 9 p.m. through 9 a.m. shift, was in charge during at least three nights of violence at the hotel, including shootings on July 3rd, August 9th and, most recently, a triple shooting on New Year's Eve that took the life of a 20-year-old man," DA Katz said. "The defendant allegedly -- and repeatedly -- allowed unsafe gatherings on the premises of the hotel, even after a shooting left bullet holes in its front door. This hotel has been a danger to the community."

Gandhi, 46, of Kew Gardens, was arrested for two counts of criminal nuisance in the second degree, a Class B misdemeanor. He received a Desk Appearance Ticket and will appear in Court at a future date.

In addition to the shootings, the Umbrella Hotel has been the subject of several complaints regarding criminal activity, including assault, rape and sex trafficking.

Detective Jean-Bernard Remy of the NYPD Queens District Attorney Office Squad is handling the investigation, under the supervision of Lieutenant William Napien.

Housing and Worker Protection Bureau Chief William Jorgensen is prosecuting the case under the overall supervision of Executive Assistant District Attorney Gerard Bravo.

Criminal complaints and indictments are accusations. A defendant is presumed innocent until proven guilty.

Note to Editors: Archived press releases are available at www.qda.nyc.gov



10:56



Done

Edit



Dear Susy Pangga-wean ,

The Board would like to share information with you regarding a peaceful protest against the continued use of the Umbrella Hotel located at 124-18 Queens Boulevard as a shelter. Over the past few weeks there have been several incidents which have occurred at the hotel including arrests for alleged sale of narcotics, prostitution, and other vagrant activities. Also, for the second time in as many weeks, gunshots were fired either at the hotel or in the hotel.

While we are truly sympathetic to the plights of residents assigned to live in the hotel by the City, particularly during the time of this pandemic, we have to make it clear that this community expects that the vagrancy, illegal activities, the raucous parties, the unwelcomed advances and comments towards woman (and men), and shootings will not be tolerated! Period.

If you are interested in joining the protest, the protest is taking place in front of **Queens Borough Hall on Sunday, August 23rd from 12:00 PM to 2:00 PM**. A flyer has been attached for your reference.

Finally, please keep in mind that our property values can be negatively impacted by this sort of activity continuing unabated. So, The Board is asking you to show up, get involved, speak up and out and be present as we try to rally in protest against these activities which are quickly changing our neighborhood!

Thank you.

The Board



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WHAT'S NEW IN AND AROUND KEW

1.- The Umbrella Hotel in an initial operation has been served with 13 summonses by the FDNY,NYPD,THE DEPARTMENT OF BUILDINGS, THE ENVIRONMENTAL PROTECTION AGENCY AND THE SHERIFF'S OFFICE.The summonses amount to \$100,000 in fines and more are expected.Capt.Antonio Fidicaro is calling for a complete shut down of the operation and is helping to identify problems that may not have been initially addressed the most glaring being the lack of security in the building.The hotel recently came into news by having the first homicide of 2021 take place in front of the building.Hopefully this will motivate local politicians and the mayor's office(which has been completely unresponsive to multiple complaints) to take action and close this blight on our neighborhood.

2.- An 8 story mixed-use building is planned for 68-19 Woodhaven Blvd. It will contain housing units,commercial and medical facilities.28 units will be reserved for income-restricted families and senior citizens.81 parking spots will be available beneath the building.Even in these troubled times Woodhaven Blvd is seeing an influx of retailers.

10:56



Done

Edit

**Are we waiting for the
THIRD SHOOTING TO
BE FATAL?**

**PROTEST TO SHUT
THE UMBRELLA
HOTEL!!!**

**MEET UP at
Queens Borough Hall
Sunday, August 23
noon-2:00pm**



**Masks and Social
Distancing Required**

More

To,
Olga Abinader,
Dep. Of City Planning NYC.

SUB: CITYWIDE HOTEL TEXT AMENDEMENT

I am writing in reference to proposed text amendment's effect on current hotel projects under pipeline. We have a hotel project at 290 E 150th St, Bronx, NY 10451 under DOB review (DOB Job # 210180999) since 04/01/2020 and we have invested a lot of money and time on this project. Our project is supposed to be approved by NYC DOB by March- April of 2021. The proposed text amendment is really good in reference to controlling upcoming hotels in the city and it will definitely be helpful to upscale the existing hotels in the city that are hardly affected by pandemic. On the contrary, under pipeline projects should also be treated fairly by the city. So, I request the City Planning commission to propose vesting in the amendment that can help hotel developers whose project is under DOB review for approval for more than at least 3 months from the date of the proposed text amendment as well as for the projects that are under construction. I assume city planning will take our request sincerely and give us a fair chance to finish our project.

If you have any questions or concerns feel free to reach me at either 201-850-2431 or patel.akash228@gmail.com

Your consideration is truly appreciated.



Arpitkumar Patel

201-850-2431

1/20/2021

Citywide Hotel Text Amendment - Objection Letter

Arpit Patel <patel.akash228@gmail.com>

Wed 1/20/2021 2:56 PM

To: 21DCP111Y_DL <21DCP111Y_DL@planning.nyc.gov>

To,

Olga Abinader,

Dep. Of City Planning NYC.

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If you have any questions or concerns feel free to reach me at either 201-850-2431 or patel.akash228@gmail.com

Your consideration is truly appreciated.

--

Arpit Patel,

CELL-201-850-2431

FAX - 718-280-5482

Please consider the environment before printing this email.

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My name is Biviana Pereira and I am in support of special permits. I live in the South Bronx and I don't feel secure in my neighborhood anymore because of the new hotels that have been built. About a block away from me there is a Ramada Hotel that was turned into a shelter at the start of the pandemic. There's been a huge increase in crime that started because of this hotel.

About two weeks ago there was a stabbing nearby and a month ago, in front of my building, someone got beaten and stabbed. I don't feel safe letting my kids walk in our neighborhood alone anymore. When my 22-year-old daughter gets back from work my husband picks her up and walks her home because we don't want her to be alone.

People are always hanging out and drinking in front of the hotel. You can no longer use the park next to the Ramada when it's dark. During the day, people gather outside and drink and I don't feel safe walking by. There is always fighting. The area is unclean and there's always the smell of urine in the air.

This neighborhood changed a lot since the Ramada Hotel was built; it used to feel much safer. Safety is the most important thing to me and it can be fixed by addressing what's going on at the Ramada Hotel.

That's why I support special permits. Thank you.

As a decade long resident of City Line/East New York, I support special permits for hotels. Hotels in my neighborhood bring crime and make me feel unsafe. I don't think they belong in nice residential communities like mine.

There are two hotels near me, the Kings Hotel on Atlantic Avenue and the Galaxy Hotel on Pennsylvania Avenue. Both are known in my area for prostitution and drug use. This type of stuff makes me feel unsafe. I have three young adult daughters who live with me and I don't like letting them walk alone in the neighborhood because I worry about them. A lot of men in cars will honk and yell things at them while they walk, especially if they're in the vicinity of the Galaxy. It's not a respectable clientele and those types of places don't belong in our neighborhood. Residents should feel safe to walk around, we shouldn't have parts of our neighborhood that make use feel unsafe.

All of the hotels also cause noise problems from the guests. The guests will blast music from their cars late at night. There is no consideration for the community or the residents.

For both hotels, within a year of being built, the problems started. Nothing has ever been done to address the issues they pose to our community and that's why I support special permits because I think they can keep more hotels like this from being built. Sometimes I consider moving out of the city to get away from this constant disturbance to my community.

Thank you for reading my testimony.

Respectfully,
Gregory Pugh

Fw: Ron Rocheleau / Testimony**Laura Kenny (DCP)** <LKenny@planning.nyc.gov>

Thu 1/21/2021 4:05 PM

To: Rachel Antelmi (DCP) <RAntelmi@planning.nyc.gov>

LAURA KENNY

Associate Project Manager, Waterfront Resiliency, Environmental Assessment and Review Division

NYC DEPT. OF CITY PLANNING

From: ron rocheleau <concretetv@hotmail.com>**Sent:** Thursday, January 21, 2021 4:04 PM**To:** 20DCP130R_DL <20DCP130R_DL@planning.nyc.gov>**Subject:** Ron Rocheleau / Testimony

Hello my name is Ron Roucheleau. I would like to speak in support of rules for new hotels in New York. For the last 23 years, I've lived on the Lower East Side. I miss the way my neighborhood used to be, it used to be a lot more quiet when I first moved here. Now, the Lower East Side is a party zone and new hotel developments have come with night clubs, drunks, noise and traffic.

Across the street from me is the 60 LES Hotel. This hotel has always been a public nuisance. Like most hotels in the Lower East Side, 60 LES is a party hotel. Their patio is always blasting music and crowds often spill out onto the street causing traffic issues. Late at night, guests call down from the balcony to their friends on the street. Ubers waiting for hotel guests only make traffic worse, as there is only a single lane. Over the last couple years, some of these parties have led to fights and the police have had to show up. Drunk guests who party at this hotel have urinated and vomited outside my building. It's disgusting.

Since the pandemic, 60 LES has also become a health concern. The hotel is allowing people who need to quarantine to stay at the hotel, but it doesn't look like they are quarantining. It looks to me like they are continuing to party.

There's been a couple community groups that have tried to preserve our neighborhood and speak up for LES residents, but they haven't been successful. I'd like special permits to be able to limit the hotels that are built and keep our neighborhood for the people who live here - and not the people who come to party.

Thank you.

Ron A. Rocheleau

Sent from my iPad

Hi Everyone, I'm Juan Rodriguez from Sunset Park where I've lived all my life. I support special permits because I think they'll help keep my neighborhood as a nice, family oriented neighborhood. There have been many new hotels causing trouble in Sunset Park and I don't want hotels like this in my community.

There's a hotel called the Phoenix on 39th between 5th and 6th Ave. It was an eye sore for while, with lots of complaints about drugs and prostitution. This hotel has been raided something like four times. It was only after the most recent raid by the FBI, Homeland security, and different police that I noticed a brief change. The raid found slave labor and sex workers. After the raid, the hotel closed down for a while but then it changed hands and opened again. Prostitution came back and so did the drugs. The Phoenix has been closed since March and now its for sale but I'm worried if a new owner buys it, the same pattern will happen again. We, the community members, have no say in this.

There's another hotel in Sunset Park that's currently turned into a homeless shelter. Everyone has to live somewhere, that's not a problem. But when all the hotels are being converted as homeless shelters, it creates a problem for the community. The homeless people are loitering in the parks, they're publically urinating and stealing. I don't feel comfortable with my mother walking outside alone anymore.

Our neighborhood has been flooded with hotels. There's another hotel a block away that's under construction now. Within a 5 block span, 5 different hotels have opened and they keep popping up everywhere. There's not enough work or tourists for this amount of hotels, it doesn't make sense and so many hotels are being converted into homeless shelters, which have their own host of problems. There's no oversight and no checks and balances. Our community doesn't need more hotels and I want special permits to keep them from building more.

Thank you for letting me share my testimony. The city needs to protect our neighborhoods.

DATE: 1/30/21

**TESTIMONY TO THE DEPARTMENT OF CITY PLANNING:
SCOPING SESSION 1/22/21 FOR THE PROPOSED CITYWIDE HOTEL TEXT
AMENDMENT (CEQR #21DCP111Y)**

FULL TEXT OF COMMENTS

Good afternoon

I am Carol Rosenthal, a partner at Fried, Frank, Harris, Shriver and Jacobson, LLP. I am here as a practitioner with over 30 years' experience, predominantly in land use law in the City of New York.

Having been involved in many special permit applications, I want to emphasize that you cannot underestimate the deterrent effect a special permit requirement would have on the creation of new hotels in NYC. The discretionary special permit requirement is not a casual additional procedure, a bit of a nuisance. *It is a major hurdle that will significantly reduce, if not nearly halt, new hotels in the City.* The EIS, as it correctly notes, needs to evaluate the proposed action with this result, that is, an action that creates a shortfall of some 62,000 hotel rooms in the City in the build year.

The reasons for the halt in new hotel units relates to the additional time, expense and risk-- for an industry that is already subject to certain inherent risk factors.

Time. In my experience, City Planning special permits can take, on the average, about 2.5 years from inception (which is often some months prior to its arrival at the Department of City Planning). Sometimes the application process is shorter, but sometimes even longer.

Costs. The fees and consultant costs of the obtaining the permit (attorney, environmental consultant, ULURP and CEQR fees, perhaps a community or public relations consultant, extra architectural fees and often renderings) is only one factor. Even more significant are the carrying costs, including finance costs and other carrying costs, and the opportunity costs of not having income-producing property for the additional 2 to 3 years needed for the special permit process.

Risks. With the extra time, the facility to be constructed will not be in place for 4 to 6 years from inception. It is very difficult to know how any particular market will fare in 4 to 6 years. This is one kind of heightened uncertainty. The other is the uncertainty inherent in the special process itself. The additional reviews-- environmental, application, and design comments-- , along with the public reviews come with much uncertainty of outcome. And, of course, even if an application makes it over this wall, the discretionary action brings with it the possibility of a legal challenge.

These costs and uncertainties particularly affect an industry that is already subject to significant risks. Unlike residential, office or many other uses, the hotel business does not have long term commitments from its users. A hotel does not have the certainty of a twenty year lease, a three year lease, or even a month to month tenancy by its occupants-- but generally rents by the day, resulting in constant repricing of rooms and a volatile income stream-- and a higher risk profile than many other investments.

So it is not surprising that with the extra risks and costs of a special permit for hotels, there have been none sought since it was introduced for M1 districts, and as far as I know, none in other areas where it has been enacted.

It is not clear why the City would want to make it difficult for hotels to locate in its commercial districts; why, particularly at this time, it would put in greater jeopardy the strength of its office and international business industry (for business occupants are a huge user of hotels along with the conference and other spaces they provide), and the strength of its tourist industry.

Environmental reviews. The loss of 62,000 hotel rooms as a result of the special permit will have a number of impacts that must be analyzed, including the impacts on the businesses and industries that rely on people traveling to New York.

Those industries include cultural institutions, entertainment venues, restaurants, and others who depend on additional tourist resources. Hotels also support businesses and office uses which rely on conference and meeting spaces in hotels as well as the accommodations needed for national or international travel to central offices in New York City. These offices are often wooed by other states and locations, and the shortage of hotel space will affect the City's competitiveness in this area.

The loss of hotel units, along with the increased costs of hotel development, will also result in higher rates for the rooms that remain. This skewing to higher rates --- and who will be excluded from the City as a result --- will also have socio-economic impacts that should be reviewed.

It is critical that these impacts be analyzed and the results disclosed before the decision makers determine the outcome of this proposal. What are the consequences on an international City, including on its workers, businesses, offices and non-profit institutions, of putting up special permit walls for all new hotels everywhere?

Carol E. Rosenthal, Esq.
Carol.rosenthal@friedfrank.com

Michael Savino Testimony

Hello my name is Michael Savino, I'm a life long New Yorker who currently lives in Sheepshead Bay with my husband, a few blocks away from the Comfort Inn and Best Western Plus on Emmons Avenue. I am here today to speak in favor of special permits because I'm hoping they will protect my neighborhood and keep it safe.

The Comfort Inn and Best Western Plus have not been good neighbors and have made it harder to feel safe in my community. Both hotels allow people to loiter in front of their entrances, publically urinating and defecating on Emmons Avenue. There have been fights outside the hotels and there are often drunk people loitering outside the entrances and leaving bottles of alcohol on the curbs. It doesn't feel safe to walk on Emmons Avenue at night anymore. A new park is being built next to the Comfort Inn and I wouldn't feel safe going there because of the way the Comfort Inn allows homeless people to loiter, drink and sometimes fight right outside it's doors. I don't know how kids and families will be able to go to the park when the entrance is so close to the hotel.

These hotels don't take care of their property. I've attached photos to my testimony that show the garbage spilling out in front of the Comfort Inn's parking lot. [For the spoken portion of testimony, this sentence can be "I'm sending in pictures that show the garbage spilling out in front of the Comfort Inn's parking lot."] It's disgusting and unsanitary to let garbage fester on a public street.

Sheepshead Bay is a residential neighborhood, but these hotels don't feel like the type of place you'd bring your family and they certainly don't feel like part of our community. I believe that going forward, communities should have a say in future hotel projects before they come to our neighborhoods. This is why I support special permits.

**COMMENTS ON THE DRAFT SCOPE OF WORK
FOR THE ENVIRONMENTAL IMPACT STATEMENT
FOR THE PROPOSED CITYWIDE HOTEL SPECIAL PERMIT**

Good afternoon. My name is Paul Selver.

I am the Co-Chair of the Land Use Department at the firm of Kramer Levin Naftalis & Frankel and the Chair of the Real Estate Board of New York ("REBNY") Zoning and Design Committee. However, I speak today as a private citizen concerned with what might happen to the City we all love if the Zoning Resolution is amended to require a special permit from the City Planning Commission and the City Council for all new hotels.

The proposed amendment is misguided and ill-timed. New York City's economy – and especially its service economy and its tourist industry – remains in extreme distress, and the City has yet to see how the current supply of hotel rooms will be affected by the commercial conversion legislation introduced by the Governor last week. Indeed, the amendment's introduction betrays a shocking and willful rejection of the public and land use policies that the Department of City Planning well knows are needed to restore the City to economic health and to recover the hundreds of thousands of jobs that it has lost.

The legislation's potential for mischief with the City's economy, with its budget and with the varied character of its many neighborhoods puts an especially heavy burden on the Department of City Planning to justify the proposal and to ensure that its possible impacts are fully and fairly documented in the action's environmental impact statement. Unfortunately, the draft scope of work falls far short of the meeting that burden. Many of its failings are discussed at length in the REBNY's statement. I would like to add a few further thoughts.

**The Draft Scope of Work Fails to Establish That
The Proposed Legislation Serves a Legitimate Public Purpose
Or That It Meets the Criteria for a "Well-considered Plan"**

The City asserts that "new hotel development has introduced new activity that may conflict with existing businesses in commercial districts", that "the transient nature of hotels can change the primarily residential character of some commercially zoned neighborhoods", that "hotels can create conflicts with adjacent uses and residences" or "create nuisances on surrounding residents or local services", and that "surrounding business activity and traffic may pose unsafe conditions for guests " in C8 and mixed use districts.

Some of these statements are internally inconsistent; others are just plain absurd. Moreover, and more importantly, they are all so utterly lacking in factual support that the predicate for this legislation has no more of a factual foundation than did Donald Trump's claims of electoral fraud. And, unless the City can find something more than its *ipse dixit* on which to base its claim of need, it will have failed both to provide a public purpose for the regulation that "substantially advances(s) legitimate state interests", *Agins v. Tiburon*, 447 US 255, 260 (1980), and to meet even the most basic criteria for the "well-considered plan" required by the General City Law.

The City also argues that the special permit is needed as a vehicle for establishing a single, unified standard for allowing the development of hotels. Its argument ignores the fact that, in New York City, one size NEVER fits all. One of New York's wonders is the sheer diversity of its neighborhoods, a diversity that undermines the rationale for a single, Citywide standard pursuant to which hotels would be allowed. There can be no doubt that the issues faced in developing a hotel in Midtown Manhattan are vastly different from those faced in developing a hotel on Manhattan's Upper East Side, and that the issues faced in those two locations are vastly different from the issues faced in developing a hotel in St. George on Staten Island. And there is reason to fear that at least some of the required findings will, like those in the M1 district hotel special permit, be so vague and subjective that they will invite politicized, arbitrary and capricious administration.

The Draft Scope of Work Does not Take Sufficient Account of the Impact of the Legislation on Neighborhood Character

The REBNY statement points out the many failures of the Draft Scope of Work to properly address the secondary economic impacts of the legislation – how the anticipated decrease in the supply of hotel rooms on the number and demographics of the tourists who will stay in the City while visiting will affect restaurants, museum and theater attendance, and City tax revenue. It also identifies the potential impact on the supply of housing, and especially affordable housing, as a result of tourists staying in AirBnBs rather than hotels. I would add only that the environmental impact statement, in order to consider fully the proposal's secondary impacts, should be required to assess how:

- The impacts identified by REBNY and the impacts of future unemployment (both in the construction trades and in the hospitality and allied industries) attributable to the absence of new hotel construction; and
- The inability of the City to afford the new and replacement infrastructure it needs by reason of foregone or lost tax revenues from a reduced number of hotel rooms

Will affect the physical and demographic character of, as well as the adequacy of services in, the City's neighborhoods.

**The Draft Scope of Work Should Identify Alternatives
That Mitigate or Avoid the Legislation's Many Adverse Impacts**

The draft scope of work mentions mitigation measures and alternatives only in passing – commenting only about possible “zoning mechanisms to limit the effect of reductions in supply” of hotel rooms. The failure to address specific alternatives will inevitably push discussion about them to the end of the environmental and public review process. This is an unacceptable result. The potentially wide ranging public impacts of the legislation, and in particular its harsh impact on the businesses and neighborhood character of Times Square, demand that the draft environmental impact statement study fully mitigation measures or alternatives.

This mitigation and alternatives study should be required to include (but should not be limited to) deferring a special permit requirement until the City's economy has recovered from the impacts of the pandemic, limiting the special permit to hotels larger than a certain size, and excluding certain geographic areas from the special permit requirement. It should also be required to include the impacts of alternative vesting provisions, provisions that are needed so that hotel projects that are now in the midst of a multi-year assemblage process will not be required to seek the special permit. A responsible alternative vesting provision will avoid disrupting the City's commercial real estate market, will provide builders, investors and lenders with the certainty they need to pursue their current projects, and will ensure that those involved in the development process will not be deprived of their reasonable investment backed expectations through the unanticipated imposition of a new set of regulations.

Thank you.

Paul Selver

January 22, 2021